

Beverly Thorp
c/o Box 2070
Sunnyvale CA 94087
FC001

408/739-4147

FILED

2008 MAR 14 P 12:01

UNITED STATES DISTRICT COURT

Northern District of California
San Jose Division

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

ADR

Plaintiffs:

Beverly Thorp

v.

Defendant:

Judge Robert Attack, et al.
Superior Court of Santa Cruz
701 Ocean St.
Santa Cruz CA 95060

Does 1 through 99

C08 01449

Case No. C

HRL

Complaint for the Disqualification of Judge Robert B. Attack for being BIAS, PREJUDICE, has DENIED DUE PROCESS to Beverly Thorp, and for being a Active Member in the Corrupt, Unjust, and Unfair Organization of a Lying "Old Buddy" Network of Corrupt Judges. Every Judge connected to this Case has been BIAS, PREJUDICE, DENIED DUE PROCESS to Beverly Thorp, and for being a Active Member in the Corrupt, Unjust, and Unfair Organization of a Lying "Old Buddy" Network of Corrupt Judges.

I, Beverly Ann, House of Thorp, an Authorized Agent for BEVERLY THORP, sui juris, Ingenuitas juris et de jure, a State National citizen and **NOT** a Federal Zone citizen. Under a special appearance of Propria Persona, Without Prejudice, under the Uniform

1 Commercial Code, UCC 1-207 and UCC 1-103, have first hand knowledge of the facts
2 stated herein, and being competent in mind and body to testify, declare and affirm the facts
3 stated herein are true correct, complete and admissible as evidence, in all material fact,
4 not misrepresented and are made pursuant to the Laws of the Union of States of America
5 and the California Republic.

6
7 **UCC 1-207 Sufficiency of reservation.**

8
9 Any expression indicating any intention to preserve rights is sufficient, such as "without
10 prejudice," "under protest," "under reservation," or "with reservation of all our rights."

11
12 The making of a valid reservation of rights preserves whatever rights the person possesses
13 and prevents the loss of such right by application of concepts of waiver or estoppel.

14
15 **UCC 1-103 Common law.**

16
17 The UCC Code is "Complementary" to Common Law which remains in force except where
18 displaced by the Code.

19
20 All statutes should be construed in harmony with the Common Law unless there is a clear
21 legislative intent to abrogate Common Law. ... "The UCC Code cannot be read to preclude
22 a Common Law action."

23
24 *The essence of procedural due process is fundamental fairness. de Koevend v. Board of*
25 *Educ., 688 P.2d 219, 227 (Colo. 1984). The parties have a right to be heard when their*
26 *rights are affected, and in order to enjoy this right they must first be notified. City of*
27 *Chicago v. American National Bank & Trust Co. (1988), 171 Ill. App. 3d 680, 688, 121 Ill.*
28 *Dec. 608, 525 N.E.2d 915. Due process requires, at a minimum, notice and the opportunity*
29 *for a meaningful hearing before an impartial tribunal. Mathews v. Eldridge, 424 U.S. 319,*
30 *333, 348-49 (1976).*

1 This Complaint is for the DISQUALIFICATION of Judge Robert B. Atack and for damage
2 judgements against the Defendant under the law. Pernell v. Southall Realty, 416 U.S. 363.

3
4 The jurisdiction of this Court is invoked under Article III, Section 2 of the United States
5 Constitution, 28 USC § 1331 and Amendment VII of the Constitution of the United States
6 of America (1776).

7
8 The Plaintiff is acting as their own counsel in their own proper person: In propria persona
9 sui juris, of Sovereign capability to act in her own behalf, and a citizen de jure, without
10 prejudice.

11
12 The Plaintiff is ignorant of the true names and capacities of defendants named herein as
13 Does 1 through 99, inclusive, and therefore name these defendants by such fictitious
14 names. The Plaintiff will amend this complaint to allege their true names and capacities
15 when ascertained. The Plaintiff is informed and believes and thereon alleges each of these
16 fictitiously named defendants is making or has damaged the Plaintiff herein and which may
17 subject the Plaintiffs to vexation and vexatious litigation with respect to rights, damages,
18 property, funds, or obligation.

19
20 All Defendants and government officials parties to this action are named jointly and
21 severally in their individual capacities. The only exceptions to this is Jerry Brown Attorney
22 General for the State of California and Michael Muskasey Attorney General for the United
23 States Department of Justice, who will be for informational purposes only, so each of these
24 individuals will be aware and informed about the poor performance and bad behavior by
25 the different Defendant State Actors and can and should take their own legal action against
26 the individually named Defendants. Hafer v. Melo, 112 S. Ct. 358 (1991).

27
28 By this instrument, the Plaintiff accuses the above named defendants of Trespasses,
29 Special Assumpsit, BREACH of OATH, BREACH of DUTY, PREJUDICE, BIAS, LEVY,
30 overlooking the Plaintiff's DUE PROCESS rights, and a possible impeachment of Judge

1 Robert Attack. Judge Robert Attack has deprived and VIOLATING my Constitutional rights,
2 making any order VOID ab initio. By VIOLATING the Constitutional Rights of the Plaintiff
3 on or about January 2007 to the present. Judge Robert Attack did not faithfully and
4 impartially discharge and perform all of the mandated duties incumbent upon a judge and
5 acted without jurisdiction and did deprive the Plaintiff of the equal protection of the law, by
6 not applying the Supreme Law of the Land. The Defendants and State Officials were acting
7 "under color of law," and were acting as individuals entitled to no protections under the
8 doctrine of "SOVEREIGN IMMUNITY". *Hafer v. Melo*, 112 S.Ct. 358 (1991).

9
10 Wanton Negligence of my rights, and the already violated rights, Judge Robert Attack may
11 not preside over any case with my name on it. COMES NOW THE PETITIONER, Beverly
12 Thorp in this matter, TO EXERCISE HER RIGHT, to Disqualification of a Judge pursuant
13 to C.C.P. 170.1 (a)(6)(c). Due to the violation of rights, and by violation the Constitution of
14 the United States of America by which Judge Robert Attack swore to uphold.

15
16 While the court has limited discretion, it must rule pursuant to the law at all times, per the
17 Seventh Circuit Court. Chief Justice James Marshall stated: "Court are the mere
18 instruments of the law, and can will nothing. When they are said to exercise a discretion,
19 it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed
20 by law, and, when this is discerned, it is the duty of the court to follow it. Judicial power is
21 never exercised for the purpose of giving effect to the will of the judge; always for the
22 purpose of giving effect to the will of the legislature; or in other words, to the will of the law."
23 *Littleton v. Berbling*, 468 F. 2d 389, 412 (7th Cir 1972); *Osborn v. Bank of the United States*,
24 9 Wheat (22 U.S.) 738 866, 6L.Ed 204 (1824); *U.S. v. Simpson*, 927 F. 2d 1088 (9th Cir.
25 1990).

26
27 The Defendants as described above have deprived the Plaintiff of her rights and property
28 under the "color of law" and without "due process of the law" by the use of asset forfeiture
29 provisions of de facto California State Law and by a de facto judge which violates specific

1 prohibitions in the United States Constitution. *Riley v. Bradley*, 252 Ala. 282, 41 So. 2d
2 641.

3
4 The Defendants refused to charge the Plaintiff with any offense or crimes, yet the de facto
5 judge instituted endless and meaningless demands upon the Plaintiff. The Defendants
6 seized the Plaintiff's private and personal property in June 2007 based on a **VOID** and
7 **FRAUDULENT** Court Order. *Fletcher v. Peck*, (1810) 10 U.S. (6 Cranch) 87, 138;
8 *Cummings v. Missouri*, (1867) 71 U.S. 277, 323; *United States v. Brown*, 381 U.S. 437,447
9 (1964); *Hoke v. Henderson*, 25 Am. Dec. 677, 688, 689 (1833); *Selective Service v.*
10 *Minn. Public Interest Research Group*, 468 U.S. 841, 846, 848 (1983); *Miranda v. Arizona*,
11 384 U.S. 436..491, (1965).

12
13 The Plaintiff advised the Defendants in June 2007 to return the Plaintiff's property, and the
14 Defendants refuse to return it. Defendants may not assert personal immunity defenses
15 such a "objectively reasonable reliance on existing law" because they have already been
16 advised and warned of the nature of their error and have refused to correct it. The
17 Defendants have failed to answer or to , comply, deny, or to even respond in the time
18 designated. Therefore their omission, acquiescence, and tacit consent is to be construed
19 as an admission of the facts stated. This is a fact which cannot be denied. *State v.*
20 *Chadwick*, 150 Ir. 645, 47 P. 2d 232, 234.

21
22 Judge Robert Atack does not enjoy immunity in this case. Government officials enjoy
23 qualified immunity from civil damages unless their conduct violates "clearly established
24 statutory or Constitutional rights of which a reasonable person would have known." *Harlow*
25 *v. Fitzgerald*, 457 U.S. 800, 818 (1982); *Behrens*, 516 U.S. at 306 (describing Harlow's
26 standard as one of "objective legal reasonableness"). "A public official is not entitled to
27 qualified immunity when the contours of the allegedly violated right which were sufficiently
28 clear a reasonable official would understand what he was doing violated those right."
29 *Osolinski v. Kane*, 92 F.3d 934, 936 (9th Cir. 1996) (alterations in original) (citation and

1 internal quotations omitted). Determining whether a public official is entitled to qualified
 2 immunity "requires a two-part inquiry:

3
 4 A. Was the law governing the state official's conduct clearly established?

5 B. Under the law could a reasonable state official have believed his/her conduct was
 6 lawful?" *Browning v. Vernon*, 44 F.3d 818, 822 (9th Cir. 1995) [citing *Act Up!*
 7 *Portland v. Bagley*, 988 F.2d 868, 871-72 (9th Cir. 1993)].
 8

9 The Plaintiff has one valid consensual contract with each of the above named officials. The
 10 Sixth Article of the Constitution of the United States requires, "...all executive and judicial
 11 Officers, both of the United States and of the several States, shall be bound by Oath or
 12 Affirmation, to support this Constitution..." The oath was taken by these officers freely and
 13 without reservation as the only condition to holding their positions.
 14

15 These officials have failed to perform their office under oath, specifically denying multiple
 16 Constitutional rights or specifically acting against or in excess of their office under a color
 17 of law, specifically, depriving the Plaintiff of due process of law under the Fifth Amendment
 18 and depriving the Plaintiff of property under the color of law which is a form of "pains and
 19 penalties" forbidden by the "Bills of Attainder" prohibition in Ninth section of the First Article
 20 of the Federal Constitution. Such rights or obligations are secured, preserved or defined
 21 by the Constitution to prevent such abuses of government officials by their oaths to support
 22 the Constitution. Violation of this oath is a breach of an oath, breach of duty, and a breach
 23 of contract with the Plaintiff. Stated in Black's Dictionary, Sixth Edition: a "Contract" is "An
 24 agreement between two or more persons which creates an obligation to do or not to do a
 25 particular thing"; a "breach or contract" is "Failure, without legal excuse, to perform any
 26 promise which forms the whole or part of a contract."
 27

28 WHEREAS Defendants, individually and through the official authority of their office did
 29 conspire individually and collectively and did TRESPASS upon the Sovereign rights
 30 immediately, directly, and by implied force thereby causing damage and injury to the

1 Plaintiff and the Plaintiff's Sovereign Rights; and WHEREAS Defendants appearing
 2 individually through "Color of office" has TRESPASS through acts of "malum in se" the
 3 Plaintiff have been damaged. Grindstaff v. State, 214 Tenn. 58, 377 SW 2d 921, 926;
 4 State v. Shedoudy, 45 NM 516, 118 P 2d 280, 287.

5
 6 The Constitution of the United States: Article I, Section 3, Clause 7:

7
 8 "Judgment in cases of Impeachment shall not extend further than to removal from
 9 Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit
 10 under the United States: but the party convicted shall nevertheless be liable and
 11 subject to Indictment, Trial, Judgment, and Punishment, according to Law."

12
 13 The Petitioner accuses the Defendant, Judge Robert Atack, of Trespasses beginning in
 14 January 2007 to the present time or date, ab initio. The Defendant is a State of California
 15 Official acting "under color of law" and is acting as an individual entitled to no protection
 16 under the doctrine of "Sovereign Immunity". Hafer v. Melo, 112 S. Ct. 358 (1991).

17
 18 Trespass comprehends any misfeasance, transgression, or offense which damages
 19 another person's health, reputation, or property. King v. Citizens Bank of De Kalb,
 20 88 Ga. App. 40, 76 S. E. 2d 86, 91.

21
 22 The Defendant and aggrieved and greatly damaged party, the Petitioner, in the above
 23 entitled matter hereby giving notice of all parties of the law in the INSTANT Disqualification
 24 under the published California Code of Civil Procedure §170.1(a)(6)(C) being duly sworn
 25 before Almighty God, hereby deposes and says:

26
 27 In its order granting the Appellees' motion for summary judgment, the district court began
 28 its analysis by setting forth the elements of a § 1983 claim against an individual state actor
 29 as follows:

30 A. [The Petitioner] possessed Constitutional rights of which they were deprived;

1 B. The acts or omissions of the Defendant were intentional;

2 C. The Defendant acted under color of law; and

3 D. The acts or omissions of the respondent caused the Constitutional deprivation.

4 Estate of Macias v. Lopez, 42 F. Supp.2d 957, 962 (N.D. Cal. 1999). The court
5 also stated, to establish municipal liability, the petitioner must show:

6 1. [The petitioners] possessed Constitutional rights of which they were
7 deprived;

8 2. The municipality had a policy or custom;

9 3. This policy or custom amounts to deliberate indifference to [the
10 Petitioner's] Constitutional rights; and

11 4. The policy or custom caused Constitutional deprivation.

12
13 Orders, Rulings, Motion Denials, and Judgments given by Judge Robert Attack and Judge
14 Paul P. Burdick (already Disqualified for being Biased and Prejudice) [Judge Paul Burdick
15 is being named in this Action as Doe 1.] beginning in January 2007 to the present time or
16 date and they did expressly violate my Constitutional Rights. Both Judge Robert Attack and
17 Paul P. Burdick did violate my unalienable rights to life, liberty, and the pursuit of
18 happiness. These rights cannot be taken or signed away or ordered away by any judge,
19 even by either of these Corrupt Judges. By playing favorites in court, both of these Judges
20 did put myself in jeopardy; they both violated my rights to due process; and this
21 depravation of rights caused great injury to myself and my personal property.

22
23 After many attempts to get Judge Attack's attention regarding errors which have been
24 made, his bad judgments and orders, through personal dialog and also in written legal
25 documents, I have **NOT** been able to find relief. After a months dealing with him, **I DO NOT**
26 **BELIEVE** there is any hope for me to receive anything close to a **FAIR HEARING OR**
27 **TRIAL** with Judge Attack. The only hope I see is to **DISQUALIFY Judge Attack**, and
28 hopefully see him get kicked off the bench, which he has and is abusing so badly.
29

On 22 January 2007, 24 January 2007, and 4 June 2007, I filed a Motion for Ex Parte Hearings. During those so called hearings, Judge Attack was the judge and his **TOTAL LACK** of Professional Conduct made a mockery of the Judicial System. Judge Attack's **JUDICIAL MISCONDUCT** was very apparent, which is a violation of CCCP § 170.3(c)(5), § 170.3 (b)(2)(A), and probably several other Sections. Judge Attack like all other judges would like to sweep his **JUDICIAL MISCONDUCT** under the carpet, because it is a direct **CONFLICT of INTEREST** for him and a **VIOLATION** of the law, of which, is the **DENIAL** of my **DUE PROCESS RIGHTS** and a **VIOLATION** of his Oath of Office.

Authority

In the California Code of Civil Procedure, Title 2, Chapter 3, Section 170 - 170.9 deals with the Disqualification of Judges. This is one of many Sections, which Judge Attack has violated. One of the **MOST VIOLATED** Sections of the CCCP, which Judge Attack abuses states:

In § 170.6 (a)(1):

No judge ... of any superior court of the State of California shall try any civil or criminal action ... [which] involves a contested issue of law or fact when it shall be established as hereinafter provided the judge ... is prejudiced against any party

In § 170.1 (a)(6)(A)(iii):

A person aware of the facts might reasonably entertain a doubt the judge would be able to be impartial.

In § 170.1 (a)(6)(B)(7):

1 ... the judge is unable to properly perceive the evidence or is unable to properly
2 conduct the proceeding.

3
4 In § 170.3 (b)(2)(A):

5
6 The judge has a personal bias or prejudice concerning a party.

7
8 In § 170.3 (c)(5):

9
10 A judge ... shall not pass upon his own Disqualification or upon the sufficiency in
11 law, fact, or otherwise In [this] case, the question of Disqualification shall be
12 heard and determined by another judge agreed upon by all parties

13
14 The California legal system is based on the principle an **INDEPENDENT, FAIR, and**
15 **COMPETENT** judiciary to apply the laws which govern us. The role of the judiciary is
16 central to American concepts of justice and the rule of law. Intrinsic to the **California Code**
17 **of Judicial Ethics** are the precepts judges, individually and collectively, must respect and
18 honor the judicial office as a public trust and strive to enhance and maintain confidence in
19 our legal system. The judge is an arbiter of facts and law for the resolution of disputes.

20
21 The Code of Judicial Ethics ("Code") establishes standards for ethical conduct of judges
22 on and off the bench. The Code consists of broad declarations called Canons. All
23 members of the judiciary must comply with the Code. Compliance is required to preserve
24 the integrity of the bench and to ensure the confidence of the public.

25
26 ***Canon 1. A judge shall uphold the integrity and independence of the judiciary.***

27
28 An independent and honorable judiciary is indispensable to justice in our society.
29 A judge should participate in establishing, maintaining, and enforcing high
30 standards of conduct, and shall personally observe those standards so the integrity
31 and independence of the judiciary will be preserved.

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

A judge shall respect and comply with the law and shall act at all times in a manner which promotes public confidence in the integrity and impartiality of the judiciary.

Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

All of the judicial duties prescribed by law shall take precedence over all other activities of every judge. In the performance of these duties, the following standards apply. A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct which would reasonably be perceived as (1) bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, pro se litigant, attorney, or socioeconomic status, or (2) sexual harassment.

Canon 4. A judge shall so conduct the judge's quasi-judicial and extrajudicial activities as to minimize the risk of conflict with judicial obligations.

A judge shall conduct all of the judge's extrajudicial activities so they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

Judges are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, avoid political activity which may create the appearance of political bias or impropriety. Judicial independence and impartiality should dictate the conduct of judges.

Canon 6. Compliance with the code of judicial ethics.

Anyone who is an officer of the state judicial system and who performs judicial functions, including, but not limited to, a subordinate judicial officer, magistrate, court-appointed arbitrator, judge of the State Bar Court, temporary judge, and special master, is a judge within the meaning of this Code. All judges shall comply with this Code.

The Code is suppose to governs the conduct of judges and is suppose to be binding upon them. It is unfortunate, the Code has certainly **NOT** helped Judge Attack. He seems to have **FAILED** at following and complying with several of the Cannons.

Rules of the JUDICIAL COUNCIL GOVERNS COMPLAINTS against JUDICIAL OFFICERS under 28 USC § 351 et. seq.

SUPREMACY CLAUSE – "This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding." United States Constitution, Article VI, Section 2. " Stone v. City and County of San Francisco, 968 F.2d 850, 862 (9th Cir. 1992), cert. denied, 113 S. Ct. 1050 (1993).

Facts

Judge Attack has **VIOLATED** so many laws, it would take me a ream of paper just to list them. In an effort **NOT** to repeat these many **VIOLATIONS**, which have been clearly set out in documents.

In **ALL** of the Ex Parte Hearings listed above, Judge Attack **FAILED TO PREFORM his SWORN DUTY**. In each instance, Judge Attack **FAILED TO REVIEW the FACTS PRESENTED to him**. How do I know Judge Attack **FAILED TO REVIEW the FACTS PRESENTED to him**? Because, I have on different occasion submitted several very large documents which contained a lot of facts pertinent to issue and/or motion at hand, along with a lot of supporting material, and he has rendered his judgment in less than two minutes. It is **NOT HUMANLY possible** for anyone to speed read this material in 2 or 3 minutes. It is certainly **NOT POSSIBLE** for any judge to review this material and render a **FAIR and HONEST OPINION**.

Judge Attack has **REFUSED** to accept **IRREFUTABLE EVIDENCE** in the case. Judge attack is so **BIASED** and **PARTIAL** he will readily accept **OBVIOUS BLATANT LIES** from attorneys as fact, rather than accept **INDISPUTABLE EVIDENCE from a Pro Se**.

There are several filed Affidavit of Witness, Exhibit 1. These filed Court document, from an objective and detached observer who holds and believes there is more than a reasonable question, or concern, about Judge Attack's competence, impartiality, and his ability to hold a fair and impartial hearing. This individual and I believe, it is **HIGHLY UNLIKELY** a **FAIR** and **HONEST** hearing or trial will be had, when Judge Attack presides.

The United States Supreme Court has clearly, and repeatedly, held any judge who acts without jurisdiction is engaged in an **ACT of TREASON**. U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980): Cohens v. Virginia, 19 U.S. (6 Wheat) 264,

404, 5 L.Ed 257 (1821). The United States Supreme Court, in *Twining v. New Jersey*, 211 U.S. 78, 29 S.Ct. 14, 24, (1908), citing *Old Wayne Mut. Life Assoc. V. McDonough*, 204 U. S. 8, 27 S. Ct. 236 (1907); *Scott v McNeal*, 154 U.S. 34, 14, S. Ct. 1108 (1894); *Pennoyer v. Neff*, 95 U.S. 714, 733 (1877).

On 22 May 2007, Judge Paul Burdick was **DISQUALIFIED** for being **BIASED and PREJUDICE** pursuant to California Civil Code of Procedures § 170.6. Ten days later, on Saturday, 1 June 2007, Judge Burdick went into **DEFAULT**, for **FAILING** to respond to the charges of being **BIASED and PREJUDICE**. I filed a Notice of Default on 4 June 2007. On 4 June 2007, Judge Burdick **LOST ALL OF HIS JUDICIAL POWERS**. The powers he retained were and are very, very limited. "A disqualified judge has no power to act in any proceedings after his or her disqualification." C. C. C. P. § 170.4.

"Generally, when an individual judge is disqualified from a particular case by reason of 28 USC § 455, the disqualified judge simply steps aside and allows the normal administrative processes of the court to assign the case to another judge not disqualified." *UNITED STATES v. WILL ET AL.*, 101 S. Ct. 471, 449 U.S. 200 (U.S. 12/15/1980).

Judge Burdick couldn't do this, he couldn't allow the normal administrative processes of the court to work. He held a Motion Hearing on 23 May 2007. At the beginning of the Hearing Judge Burdick announce he had been Disqualified, then he went forward as if **NOTHING HAD CHANGED**.

I FORMALLY CHALLENGE and OBJECT to:

1. Judge Burdick's authority to hold a hearing on 23 May 2007.
2. Judge Burdick's authority to accept an Ex Parte Hearing.
3. Judge Burdick's authority to set a date for an Ex Parte Motion Hearing.
4. Judge Burdick's authority to hear and issue an order in an Ex Parte Motion Hearing.

1 5. Judge Burdick's authority to set a date of 6 July 2007 for a Hearing for an Order
2 to Show Cause Hearing based on an **VOID ORDER** is NOT legal nor Valid.

3
4 Judge Burdick **HAS NO POWER, AUTHORITY, OR JURISDICTION** to do any of these
5 thing. When Judge Burdick acts in this fashion without Jurisdiction, he is warring against
6 the United States Constitution and the State of California Constitution and committing
7 **ACTs of TREASON.**

8
9 "Florida case law is well settled once a trial judge has been disqualified, further orders of
10 the disqualified judge are void and have no effect." Butler v. Biven Software, Inc.
11 (Ga.Ct.App. 1996) 473 S.E.2d 168, 170.

12
13 "By the nature of [the judge being] disqualified, any actions following his disqualification or
14 after he should have recused himself are naturally void." Vacura v. Haar's Equipment, Inc.
15 (Minn. 1985) 364 N.W.2d 387, 393.

16
17 "[A]fter a judge has removed himself from a case, he may not issue an order which relates
18 to the merits." State ex rel. Johnson v. Mehan (Mo.Ct.App. 1987) 731 S.W.2d 887, 888.

19
20 "Once a change of judge has been entered and the case transferred to another judge the
21 disqualified judge has no further authority in the case and any orders made after the
22 disqualification are void." Blaisdell v. City of Rochester (N.H. 1992) 609 A.2d 388, 391.

23
24 Voiding all subsequent rulings which were based on findings by a judge who should have
25 been disqualified. Estate of Risovi (N.D. 1988) 429 N.W.2d 404, 407.

26
27 Holding the orders signed by the judge after he was disqualified are void. State v.
28 Nossaman (Or.Ct.App. 1983) 666 P.2d 1351, 1355.

1 "A judgment or order entered by a judge who has been disqualified in the manner
2 prescribed in the statute **is void**." Degarmo v. State (Tex.Ct.App. 1996) 922 S.W.2d 256,
3 268.

4
5 "No state legislator or executive or judicial officer can war against the Constitution without
6 violating his oath undertaking to support it." Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401
7 (1958).

8
9 When Judge Burdick acts after he is Disqualified, he is warring against the United States
10 Constitution and the State of California Constitution.

11
12 "If a judge is disqualified under the Constitution, he is absolutely without jurisdiction in the
13 case, and any judgment rendered by him is **VOID** and subject to collateral attack." Christie
14 v. City of El Centro, 135 Cal. App.4th 767, 37 Cal. Rptr. 3d 718 (Cal. App. Dist.4
15 01/13/2006).

16
17 A voidable order is an order which must be declared void by a judge to be void; a void
18 order is an order issued without jurisdiction by a judge and is void ab initio and does not
19 have to be declared void by a judge to be void. An inspection of the record of this case will
20 only show or indicate the judges operated with no jurisdiction (because this point of law
21 was not investigated or examined and was railroad over by Judge Attack and Burdick).
22 However, inspection of the Disqualification Judge Burdick and the attempted
23 Disqualification of Judge Attack can and does show the judges were without jurisdiction,
24 violated people's due process rights, or where fraud was involved in the attempted
25 procurement of jurisdiction, is sufficient for an order to be void. Potenz Corp. v. Petrozzini,
26 170 Ill. App. 3d 617, 525 N.E. 2d 173, 175 (1988). In instances herein, the law has stated
27 the orders are void ab initio and not voidable because they are already void.

28
29 There is a misconception by some attorneys and judges only a judge may declare an order
30 void, but this is not the law: (1) there is no statute nor case law supporting this position, and

(2) should there be any case law allegedly supported this argument, this case would be directly contrary to the law established by the United States Supreme Court in Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S. Ct. 116 (1920), as well as other state courts, e.g. by the Illinois Supreme Court in People v. Miller. Supra. A party may have a court vacate a void order, but the void order is still void ab initio, whether vacated or not; a piece of paper does not determine whether an order is void, it just memorializes it, makes it legally binding and voids out all previous orders returning the case to the date prior to action leading to void ab initio.

Pursuant to the Valley court decision, a void order does not have to be reversed by any court to be a void order. Courts have also held, since a void order is not a final order, but is in effect no order at all, it cannot even be appealed. Courts have held a void decision is not in essence a decision at all, and never becomes final. Consistent with this holding, in 1991, the United States Supreme Court stated: "Since such jurisdictional defect deprives not only the initial court but also the appellate court of its power over the case or controversy, to permit the appellate court to ignore it. ...[Would be an] unlawful action by the appellate court itself." Freytag v. Commissioner, 501 U.S. 868 (1991); Miller, supra. Following the same principle, it would be an unlawful action for a court to rely on an order issued by a judge who did not have subject-matter jurisdiction and therefore the order he issued was Void ab initio.

This principle of law was stated by the United States Supreme Court as "Courts are constituted by authority and they cannot go beyond the power delegated to them. If they act beyond this authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply VOID, AND THIS IS EVEN PRIOR TO REVERSAL." Valley v. Northern Fire and Marine Ins. Co., 254 U.S. 348, 41 S. Ct. 116 (1920); Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L. Ed. 1170, 1189, (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808).

1 A void order may be challenged in any court, at any time, and even by third parties. A void
2 order has no legal force or effect. As one court stated, a void order is equivalent to a blank
3 piece of paper.

4
5 "Officers of the court have no immunity, when violating a Constitutional right, from liability,
6 for they are deemed to know the law." Owen v. Independence, 100 S.C.T. 1398, 445 US
7 622.

8
9 Judge Robert Attack was eventually assigned to the Case, replacing Judge Paul Burdick.

10
11 Motions were filed with the Court Protesting and Challenging the action, behavior, and
12 orders rendered by the Disqualified Judge Burdick. Judge Attack in his pompous arrogance
13 denied all such Protests and Challenges by railroading over Beverly Thorp and her rights
14 in his (Judge Attack) colorable, rogue, kangaroo court in a biased, spiteful, demeaning
15 manor with no regard to right or wrong or fairness in an unwarranted usurpation, disregard,
16 or disrespectful manor. In his zeal for control Judge Attack literally ran over Beverly Thorp
17 and her Constitutional Rights. Judge Attack sworn oath to protect the all of the rights of
18 Constitutional Citizens and not to deny to any person within his jurisdiction equal protection
19 of the laws.

20
21 Due Process is a requirement of the United States Constitution. Violation of the United
22 States Constitution by a judge deprives the person from acting as a judge under the law.
23 Judge Attack is then is acting as a private person and not in the capacity of being a judge
24 (and, therefore, has no jurisdiction, making all orders given or made by this individual null
25 and void).

26
27 The state's Supreme Courts have held those who aid, abet, advise, act upon and execute
28 the orders of a judge who acts without jurisdiction are equally guilty. They are equally guilty
29 of a crime against the United States Government and the United States Constitution.
30

1 VIOLATION OF THE CONSTITUTION: While a Judge may issue orders to control the
2 court, they have no lawful authority to issue any order which violates the Supreme Law of
3 the Land. The First Amendment to the United States Constitution states all entities have
4 the mandatory right of an adequate, complete, effective, fair, full meaningful and timely
5 access to the court. The Fourteenth Amendment to the United States Constitution provides
6 for the protection from any state deprive any person of life, liberty, or property, without Due
7 Process of Law; nor deny any person within its jurisdiction the equal protection of the law.

8
9 Hawk v. Hawk, Tennessee Supreme Court, (1993), The Fifth and Fourteenth Amendment
10 guarantees Due Process and Equal Protection to all. "No state shall deprive any person
11 of life, liberty or property, without due process of law; nor deny to any person within its
12 jurisdiction the equal protection of the laws." United States Constitutional Amendment XIV
13 and adopted by the State Constitutions.

14
15 I am the proper party to this matter, and have been witness thereto of the egregious acts
16 and/or omissions, bias, overt prejudice and partiality practice from the bench, by Judge
17 Burdick and Judge Attack beginning in December 2006 and continuing to this present time
18 or date in the above-mentioned tribunal. Evidence was ignored, the jurisdictional question
19 was never addressed, no crime has ever been committed, no damaged party, the true lien
20 holder, has ever came forward and declared a loss, and the Judges would not allowed
21 Beverly Thorp to truly defend herself, these facts Judge Attack clearly ignored and
22 disregarded.

23
24 I claim all rights inherent to me, and give proper judicial notice and place on the record,
25 any Judge in this matter be held to strict construction of the law, and be held to the highest
26 standards thereto in accordance with the concise rule of law.

27
28 "If a Judge is disqualified as a matter of law, every order entered by him is as
29 equally void under the new law as it was under the old, and no reason appears why
30 the parties should be forced to trial before a disqualified commissioner, only to have

1 the judgment set aside when it later appears as a matter of law the commissioner
2 was disqualified." Briggs v. Superior Court of Sonoma County, 215 Cal. 336, 10
3 P.2d 1003 (Cal. 03/31/1932).

4
5 Upon the sufficiency in law, fact, or otherwise, the statement of the disqualification filed by
6 the petitioners is self standing. In every such case, the question of the disqualification shall
7 be a hearing and determined by a duly elected, unbiased, fair, and honest judge of the
8 Federal Court of the Ninth District, Northern District of California, in San Jose, California.

9
10 "The state is bound to furnish every litigant not only an impartial commissioner, but one
11 who has not, by any act of his, justified a doubt of his impartiality." Moers v. Gilbert, (1941)
12 175 Misc. 733, 25 N.Y.S.2d 114, affirmed 261 App. Div. 957, 27 N.Y.S.2d 425, 426, Appeal
13 den. 261 pp. Div.1074, 27N.Y.S.2d783.

14
15 It is a fact, Judge Attack and Judge Burdick fail to review the evidence set forth in this case.

16
17 It is a fact, Judge Attack and Judge Burdick fail to review the evidence NO NOTICE of a
18 Court hearing was given to Beverly Thorp.

19
20 It is a fact, Judge Attack and Judge Burdick fail to review the evidence and FRAUDULENT
21 statements made in Court by attorneys.

22
23 It is a fact, Judge Attack and Judge Burdick fail to review the evidence and FRAUDULENT
24 document filed with Court by attorneys.

25
26 **ALLEGATION OF FACTS**

27
28 It is a fact, Judge Attack and Judge Burdick entered into a conspiracy with Counsel.

29
30 **CONSPIRACY AGAINST RIGHTS OF CITIZENS**

1 "If two or more persons conspire to injure, oppress, threaten or intimidate any citizen
2 in the free exercise or enjoyment of any right or privilege secured to him by the
3 Constitution or laws of the United States, or because of his having exercised the
4 same. They shall be fined not more than \$10,000 or imprisoned not more than 10
5 years, or both." 18 USC § 241.

6
7 It is a fact, Judge Atack and Judge Burdick did deprived Beverly Thorp of her rights under
8 color of law.

9
10 Deprivation Of Rights Under Color Of Law

11
12 "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully
13 subjects any inhabitant of any State, Territory, or District to the deprivation of any
14 rights, privileges, or immunities secured or protected by the Constitution or laws of
15 the United States, or to different punishments, pains, or penalties, on account of
16 such inhabitant being an alien, or by reason of his color, or race, than are
17 prescribed for the punishment of citizens, shall be fined not more than \$1,000 or
18 imprisoned not more than one year, or both." 18 USC § 242.

19
20 It is a fact, Judge Atack and Judge Burdick entered into constructive fraud. *Agair Inc. v.*
21 *Shaeffer*. 232 Cal. App. 2d 513, 42 Cal. Rptr. 883, 886; *Daves v. Lawyers Sur. Corp.*,
22 *Texas Civ. App.*, 459 S.W. 2d 655, 657.

23
24 It is a fact, Judge Atack and Judge Burdick entered into a conspiracy with SST and their
25 attorneys..

26
27 Anyone who conspires with another person or persons to violate our Constitutional
28 Rights by trickery, and/or constructive fraud, may be subject to criminal and civil
29 liability under existing Federal and State Racketeering Laws, (RICO). 18 USC §

1 1961 et. seq.; 18 USC § 1962; Moss v. Morgan Stanley, Inc. C.A. N.Y., 719 F. 2d
2 5, 17.

3
4 It is a fact, Judge Attack and Judge Burdick refused to review evidence in the case. Ex-
5 parte (one-sided) communication with one or some, but not all parties or attorneys and
6 refused to listen to a Pro Se or In Pro Per party.

7
8 It is a fact, Judge Attack and Judge Burdick allowed SST and their attorneys to leave the
9 court without proving any of their alleged allegations of damages and losses.

10
11 It is a fact, Judge Attack and Judge Burdick refused to review or hear Motion opposing
12 counsel refused to answer Interrogatories or produce requested documents.

13
14 It is a fact, Judge Attack and Judge Burdick did in fact, neither hold their own office of the
15 courts up to strict construction of the law, or themselves up to the same and they have
16 failed to give me, the Petitioners, liberal or broad Construction, under the "Spirit of the
17 Law", freedom, but they allowed themselves, SST, and SST's representative to perjure
18 themselves and violate the law in open court is in fact, enjoining with a willful plan to
19 disenfranchise me of my rights, using color of law, under color of authority.

20
21 **VIOLATION OF RIGHTS, AUTHORITY AND DUE PROCESS**

22
23 These laws of bias and prejudice exist because it happens, this is proof in it self.

24 A. Judge Attack and Judge Burdick is of improper oath, see California Constitution
25 Article 20, Section 3.

26 B. Judge Attack and Judge Burdick are of improper authority, see California
27 Constitution Article VI.

28 C. Judge Attack and Judge Burdick are not bonded in accordance with the law, see
29 California Constitution.

30 D. I have not stipulated to Judge Attack, see 170.6.

1 E. Judge Attack and Judge Burdick violated the Petitioner's rights under the ADA
2 Laws and Constitutional Laws knowingly.

3
4 42 USC § 1983, Deprivation of Rights

5 F. From December 2006 to the present time or date, Judge Attack and Judge
6 Burdick violated the Petitioners rights' guaranteed by the Constitution of the
7 United States by not ordering SST to follow the Law and by conspiring with
8 SST to confiscate Beverly Thorp's personal property and allowing SST to
9 threaten the Petitioner's life and safety, without reprimand.

10
11 By Judge Attack and Judge Burdick allowing SST to confiscate Beverly Thorp's
12 personal property without proof or a Valid Order, where the whole case was based
13 on subjection, half-truths, speculation, and perjury. This is a violation of the
14 Fourteenth Amendment and also 28 USC § 1443.

15
16 O'Neil v. Vermont, 144 U.S. 323 (1892); Twining v. State of New Jersey, 211 U.S.
17 78 (1908); U.S. v. Darby, 312 U.S. 100 (1941); Calder v. Bull, 3 Dall. 386,
18 399; Murdock v. Pennsylvania, 319 U.S. 105, 63 S.Ct. 870, 146 A.L.R. 82; Douglas
19 v. Jeannette, 319 U.S. 157, 63 S. Ct. 877, 882; Meyer v. State of Nebraska, 262
20 U.S. 390 (1923). Garner v. Teamsters Union, 346 U.S. 485 (1953), "(c) When
21 Federal Constitutional power is exerted for the protection of public or private
22 interests, or both, it becomes the Supreme Law of the land and cannot be curtailed,
23 circumvented or extended by a state procedure merely because such procedure will
24 apply some doctrine of private right. Pp. 492-501. Atlantic Coast Liner Co. v.
25 Doughton, 262 U.S. 413 (1923) 262 U.S. 41, "an arbitrary classification is obnoxious
26 to the equal protection clause, Southern Ry. Co. v. Greene, 216 U.S. 400, 30 Sup.
27 Ct. 287, 17 Ann. Cas. 1247." Arbitrary Defined: adj. Determined by chance, whim,
28 or impulse, and not by necessity, reason, or principle. Based on or subject to
29 individual judgment or preference. Established by a court or judge rather than by
30 a specific law or statute; Not limited by law, but by one acting as a despot.

1 G. Judge Atack and Judge Burdick violated the Petitioners rights guaranteed by the
2 Constitution of the United States by allowing SST to confiscate Beverly
3 Thorp's personal property.

4
5 **Justice Must Satisfy the APPEARANCE of Justice.**

6
7 A judge is an officer of the court, as well as are all attorneys. Judge Atack and Judge
8 Burdick are officers of the court. A state judge is a state judicial officer, paid by the State
9 to act IMPARTIALLY and LAWFULLY. State and federal attorneys fall into the same
10 general category and must meet the same requirements. **A judge is not the court.** People
11 v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

12
13 Whenever any officer of the court commits fraud during a proceeding in the court, he/she
14 is engaged in "fraud upon the court". In Bulloch v. United States, 763 F.2d 1115, 1121
15 (10th Cir. 1985), the court stated:

16
17 "Fraud upon the court is fraud which is directed to the judicial machinery itself and
18 is not fraud between the parties or fraudulent documents, false statements or
19 perjury. It is where the court or a member is corrupted or influenced or influence is
20 attempted or where the judge has not performed his judicial function – thus where
21 the impartial functions of the court have been directly corrupted."

22
23 "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace
24 species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated
25 by officers of the court so the judicial machinery can not perform in the usual manner its
26 impartial task of adjudging cases presented for adjudication." Kenner v. C.I.R., 387 F.3d
27 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further
28 stated, "a decision produced by fraud upon the court is not in essence a decision at all, and
29 never becomes final."
30

1 "Fraud upon the court" makes void the orders and judgments of the court. It is also clear
2 and well-settled law, any attempt to commit "fraud upon the court" vitiates the entire
3 proceeding. The People of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N. E.
4 229 (1934) ("The maxim fraud vitiates every transaction into which it enters applies to
5 judgments as well as to contracts and other transactions."); Allen F. Moore v. Stanley F.
6 Sievers, 336 Ill. 316; 168 N. E. 259 (1929) ("The maxim fraud vitiates every transaction into
7 which it enters ..."); In re Village of Willowbrook, 37 Ill. App.2d 393 (1962) ("It is axiomatic
8 fraud vitiates everything."); Dunham v. Dunham, 57 Ill. App. 475 (1894), affirmed 162 Ill.
9 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill. App. 79, 86 N.E.2d 875,
10 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350;
11 199 N. E. 798 (1935).

12
13 Under Illinois and Federal law, when any officer of the court has committed "fraud upon the
14 court", the orders and judgment of the court are void, of no legal force or effect.

15
16 In 1994, the U.S. Supreme Court held, "Disqualification is required if an objective observer
17 would entertain reasonable questions about the judge's impartiality. If a judge's attitude or
18 state of mind leads a detached observer to conclude a fair and impartial hearing is unlikely,
19 the judge must be disqualified." *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994). See Exhibit
20 1.

21
22 Courts have repeatedly held positive proof of the partiality of a judge is not a requirement,
23 only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S.
24 847, 108 S. Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its
25 appearance); *United States v. Balistreri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) "is
26 directed against the appearance of partiality, whether or not the judge is actually biased.")
27 ("Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants
28 from actual bias in their judge but rather to promote public confidence in the impartiality of
29 the judicial process.").

1 The Court also stated Section 455(a) "requires a judge to recuse himself in any proceeding
2 in which him/her impartiality might reasonably be questioned." Taylor v. O'Grady, 888 F.2d
3 1189 (7th Cir. 1989). In Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972), the Court stated,
4 "It is important the litigant not only actually receive justice, but he believes he has received
5 justice."

6
7 The Supreme Court has ruled and has reaffirmed the principle "justice must satisfy the
8 appearance of justice", Levine v. United States, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing
9 Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe
10 from an interested party over which he is presiding, does not give the appearance of
11 justice.

12
13 "Recusal under Section 455 is self-executing; a party need not file affidavits in support of
14 recusal and the judge is obligated to recuse himself/herself sua sponte under the stated
15 circumstances." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989).

16
17 Further, the judge has a legal duty to disqualify himself/herself even if there is no motion
18 asking for his/her disqualification. The Seventh Circuit Court of Appeals further stated, "We
19 think this language [455(a)] imposes a duty on the judge to act sua sponte, even if no
20 motion or affidavit is filed." Balistreri, at 1202.

21
22 Judges do not have discretion not to disqualify themselves. By law, they are bound to
23 follow the law. Should a judge not disqualify himself/herself as required by law, then the
24 judge has given another example of his/her "appearance of partiality" which, possibly,
25 further disqualifies the judge. Should another judge not accept the disqualification of the
26 judge, then the second judge has evidenced an "appearance of partiality" and has possibly
27 disqualified himself/herself. None of the orders issued by any judge who has been
28 disqualified by law would appear to be valid. It would appear they are void as a matter of
29 law, and are of no legal force or effect.
30

1 Should a judge not disqualify himself, then the judge is violation of the Due Process Clause
2 of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The
3 right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due
4 Process Clause.").

5
6 Should a judge issue any order after he/she has been disqualified by law, and if the party
7 has been denied of any of his/her property or Rights, then the judge may have been
8 engaged in the Federal Crime of "interference with interstate commerce". The judge has
9 acted in the judge's personal capacity and not in the judge's judicial capacity. It has been
10 said this judge, acting in this manner, has no more lawful authority than someone's next-
11 door neighbor (provided he or she is not a judge). However, some [it appears MOST]
12 judges do not follow the law.

13
14 If you were a non-represented litigant, and should the court not follow the law as to non-
15 represented litigants, then the judge has expressed an "appearance of partiality" and,
16 under the law, it would seem he/she has disqualified him/herself.

17
18 However, since not all judges keep up to date in the law, and since not all judges follow the
19 law, it is possible a judge may not know the ruling of the United States Supreme Court and
20 the other courts on this subject. Notice it states "disqualification is required" and a judge
21 "must be disqualified" under certain circumstances.

22
23 In Oakley v. Aspinwall, 3 N.Y. 547, where it was held a judge who was disqualified to sit
24 in a cause by reason of consanguinity to one of the parties could not sit even by consent
25 of both parties, and if he did the judgment in regard to which he took part would be
26 vacated. In this case it was said:

27
28 It is the design of the law to maintain the purity and impartiality of the courts, and
29 to insure for their decisions the respect and confidence of the community. Their
30 judgments become precedents which control the determination of subsequent

1 cases; and it is important, in this respect; their decisions should be free from all
2 bias. After securing wisdom and impartiality in their judgments, it is of great
3 importance the courts should be free from reproach or the suspicion of unfairness.
4 The party may be interested only in his peculiar suit should be justly determined; the
5 State, the community, is concerned not only for this, but the judiciary shall enjoy an
6 elevated rank in the estimation of mankind."

7
8 Therefore did render the hearing and order a nullity, because of the judge was disqualified
9 and therefore had no jurisdiction or authority. *Mc Claghry v. Deming*, 22 S. Ct. 786, 186
10 U.S. 49 (U.S. 05/19/1902).

11
12 The standard for disqualification is fundamentally an objective one and not limited to actual
13 bias. (*United Farm Workers of America v. Superior Court* (1985) 170 Cal. App.3d 97, 104.)
14 Disqualification is mandated if a reasonable person would entertain doubts concerning the
15 judge's impartiality. (*Ibid.*) Except in very limited circumstances not applicable here, a
16 disqualified judge has no power to act in any proceedings after his or her disqualification.
17 (§ 170.4.)

18
19 Any orders signed by the judge after he was disqualified are void. *State v. Nossaman* (Or.
20 Ct. App. 1983) 666 P.2d 1351, 1355. "A judgment entered by a judge who has been
21 disqualified in the manner prescribed in the statute is void". *Degarmo v. State* (Tex. Ct.
22 App. 1996) 922 S.W.2d 256, 268. "If a judge is disqualified under the Constitution, he is
23 absolutely without jurisdiction in the case, and any judgment rendered by him is void and
24 subject to collateral attack".

25
26
27 Judge Attack blatantly ignored the filed Notice of Disqualification, openly failed to recuse
28 himself; Judge Attack has legally failed his duty to disqualify himself; Judge Attack does not
29 just have the "appearance of partiality", he openly demonstrates his partiality in open court;
30 Judge Attack and Judge Burdick have committed "Fraud upon the court"; Judge Attack and

1 Judge Burdick appears to have engaged in the Federal Crime of "interference with
 2 interstate commerce"; Judge Attack and Judge Burdick have acted in a personal capacity
 3 when they ignored the filed Notice of Disqualification and when through the motions and
 4 acting as a judge by holding Open court after being Disqualified; Judge Attack and Judge
 5 Burdick acted without jurisdiction and engaged in an act of treason against the Constitution
 6 of the United States of America. Judge Attack

7
 8 None of the orders, issued by any judge who has been disqualified by law, are valid and
 9 of no legal force or effect. Since all of Judge Attack's and Judge Burdick's orders are now
 10 null and void, the Federal District Court of San Jose and the Superior Court of the State
 11 of California in and for the County of Santa Cruz shall send a letter to all of the people
 12 involved in Judge Attack and Judge Burdick cases past and present, and advise these
 13 people ALL of Judge Attack and Judge Burdick orders are of no legal force or effect, and
 14 they, Judge Attack and Judge Burdick, are subject to damages.

15
 16 The Supreme Court has also held if a judge wars against the Constitution, or if he/she acts
 17 without jurisdiction, he has engaged in **TREASON** to the Constitution. If a judge acts after
 18 he/she has been automatically disqualified by law, then he/she is acting without jurisdiction,
 19 and this suggest he/she is then engaging in criminal acts of treason, and may be engaged
 20 in **EXTORTION** and the **INTERFERENCE** with **INTERSTATE COMMERCE**.

21
 22 Courts have repeatedly ruled judges have no immunity for their criminal acts. Since both
 23 treason and the interference with interstate commerce are criminal acts, no judge has
 24 immunity to engage in such acts.

25 26 **18 USC § 1034 – FRAUD and FALSE Statements**

27
 28 Civil penalties and injunctions for violations of section 1033 (a) The Attorney General may
 29 bring a civil action in the appropriate United States District Court against any person who
 30 engages in conduct constituting an offense under section 1033 and, upon proof of such
 31 conduct by a preponderance of the evidence, such person shall be subject to a civil penalty

1 of not more than **\$50,000.00** for each violation or the amount of compensation which the
 2 person received or offered for the prohibited conduct, whichever amount is greater. If the
 3 offense has contributed to the decision of a court of appropriate jurisdiction to issue an
 4 order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty
 5 shall be remitted to the appropriate regulatory official for the benefit of the policyholders,
 6 claimants, and creditors of such insurer. The imposition of a civil penalty under this
 7 subsection does not preclude any other criminal or civil statutory, common law, or
 8 administrative remedy, which is available by law to the United States or any other person.
 9 (b) If the Attorney General has reason to believe a person is engaged in conduct
 10 constituting an offense under section 1033, the Attorney General may petition an
 11 appropriate United States District Court for an order prohibiting the person from engaging
 12 in such conduct. The court may issue an order prohibiting the person from engaging in such
 13 conduct if the court finds the conduct constitutes such an offense. The filing of a petition
 14 under this section does not preclude any other remedy which is available by law to the
 15 United States or any other person.
 16

17 WHEREFORE the Plaintiff and this pleading of the violation of rights by the Defendants,
 18 their TRESPASSES, and violation of contract perpetrated by the Defendants, individually
 19 through their official capacities and representations exercising "malum in se" with total
 20 disregard for the Plaintiff's inviolate Sovereign rights. Com. v. Almeida, 362 Pa. 596, 68 A
 21 2d 595.
 22

23 All Defendant's damage claims will be submitted at a later date.
 24

25 Relief Requested

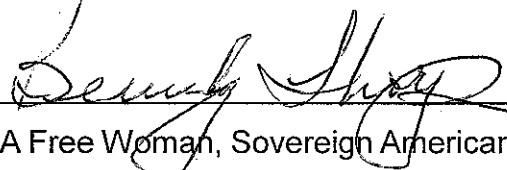
- 26
- 27 1. I request the United States District Court **DISQUALIFY Judge Attack IMMEDIATELY**
 28 **and PERMANENTLY.**
- 29 2. I request the United States District Court **Declare ALL of Judge Attack's Rulings and**
 30 **Judgments to be NULL and VOID.**
 31
- 32

33 Further, Beverly Thorp saith naught.
 34
 35
 36

Without Prejudice, UCC 1-207 & UCC 1-103

14 March 2008

Beverly Thorp, Authorized Agent

 , In Propria Persona Sui Juris
A Free Woman, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1)
De Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

Reserving All Rights, Giving Up None.

Notice to agent is notice to principal. Noted to principal is notice to agent.

All Rights Reserved (UCC1-308)

Exhibit

1

1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC008GR
5
6
7
8
9

10 **Superior Court of California**
11 County of Santa Cruz
12 701 Ocean St.
13 Santa Cruz CA 95060
14
15
16

FILED
NOV 28 2007

ALEX CALVO, CLERK
BY DEBORAH ROJAS
DEPUTY, SANTA CRUZ COUNTY

17 **Plaintiff:**

18
19 Systems & Services Technologies, Inc.
20

21 v.

Case No. CV 155983

22
23 **Defendant:**

24
25 BEVERLY THORP
26
27 _____

**AFFIDAVIT OF A
WITNESS #8**

28
29 **Cross Plaintiff:**

30
31 Beverly Thorp
32

33 v.

34
35 **Cross Defendants:**

36
37 Mr. Herb Nill, Guaranty RV, Mr. George Barnal,
38 Systems & Services Technologies, Inc.,
39 Mr. Robert Kennard, and Nelson & Kennard,
40 Does 1 to 99
41
42
43
44

AFFIDAVIT OF A WITNESS #8

1 I, Dr. Gene Ritchey, sui juris have first hand knowledge of the facts stated herein, a Lawful
2 Man over the age of majority, being competent in mind and body to testify, declare and
3 affirm the facts stated herein are true correct, complete and admissible as evidence, in all
4 material fact, not misrepresented and are made pursuant to the Laws of the united States
5 of America and the California state.

6
7 I, Dr. Gene Ritchey, an objective and detached observer holds and believes there is more
8 than a reasonable question or concern about Judge Robert B. Attack's competence,
9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Attack presides.

11
12 I, Dr. Gene Ritchey, hereby timely say I witnessed on the 24 October 2007 the following
13 behavior and activities of Judge Attack while he was being rude and arrogant in Court in
14 Department 9 at Santa Cruz, California, with Judge Attack presiding and relating to this
15 Public Officer and in the case identified above.

16
17 At approximately 9:00 A.M. the undersigned Affiant witnessed Judge Attack commit and
18 undertake what Affiant believes on personal knowledge to be the **CRIMINAL ACTIONS**
19 noted below.

- 20
21 1. During the above Hearing, Beverly Thorp pointed out the oaths filed by Judge Attack and
22 Judge Morse were incomplete and **NOT in compliance** with the requirements
23 established by the State of California Constitution and the California Business and
24 Professions Code. This means both Judge Attack and Judge Morse are **NOT**
25 **PROPERLY SEATED** and are **MASQUERADING** (Pretending) as judges.
- 26 2. The State of California requires judges **NOT** to be an member of the California Bar
27 Association while being seated on the bench. Judge Robert Attack and Judge
28 Heather Morse did **NOT** produce the documents when requested proving they are
29 not currently a member of the California Bar Association.

- 1 3. Article VI Clause 3 of the United States Constitution requires all public officers, state and
2 federal, to be bound by their oath. Judge Robert Attack and Judge Heather Morse
3 did **NOT** produce the documents, when requested, proving they had in place the law
4 required bond.
- 5 4. Mr. Alex Calvo and his unknown assistant, his unknown Court Reporter, and his
6 unknown Bailiff, hereinafter called Mr. Alex Calvo et al., have the same oath
7 requirement as stated in the above **First** point, they have the same bonding
8 requirement as stated in the **Third** point, and they have a licensing requirement
9 established by the State of California Constitution and the California Business and
10 Professions Code. Mr. Calvo did **NOT** produce the documents, when requested,
11 proving they were in compliance with the law.
- 12 5. The law firm of Nelson and Kennard, meaning all of their attorneys and especially Mr.
13 Robert Kennard and Mr. Jonathan Ayers, have the same oath requirement as stated
14 in **First** point, they have the same bonding requirement as stated in **Third** point,
15 only theirs is called "Errors and Omission" Insurance, and they have a licensing
16 requirement established by the State of California Constitution and the California
17 Business and Professions Code. None of these individuals produced the
18 documents, when requested, proving they were in compliance with the law.
- 19 6. Mr. Alex Calvo accepted personal service of Subpoena Duces Tecum for the production
20 of documents on or before 24 October 2007 Trial on behalf of the following: Judge
21 Attack, Judge Morse, Mr. Alex Calvo, an unnamed Assistant Clerk of the Court, an
22 unnamed Court Reporter, and an unnamed Court Bailiff. Mr. Calvo did **NOT**
23 produce the documents, when requested, proving they were in compliance with the
24 law.
- 25 7. Ms. Joann Beuca accepted personal service of Subpoena Duces Tecum for the
26 production of documents on or before 24 October 2007 Trial on behalf of all of the
27 attorneys in the law firm of Nelson & Kennard and especially Mr. Jonathan Ayers
28 and Mr. Robert Kennard. None of these individuals produced the documents, when
29 requested, proving they were in compliance with the law.

- 1 8. During the Trial, Beverly Thorp challenged the Court to verify and to establish the fact
2 for the record the Court was **PROPERLY SET**. The arrogant Judge Attack stated,
3 "This is NOT why we are here." He refused to establish the Court was Properly Set,
4 denying Beverly Thorp her Due Process Right.
- 5 9. When Judge Attack ignored, set aside Beverly Thorp's challenge to a properly set court,
6 he ignored the Ruling of the Supreme Court and he denied Beverly Thorp her Due
7 Process Right.
- 8 10. When Judge Attack ignored, set aside Beverly Thorp's challenge to a properly set court,
9 and when Judge Attack ignored, set aside, and poo poed the notification of the fact
10 **ALL** Subpoenaed documents were **NOT** produced, he **FAILED** to do his job as a
11 judge and he **VIOLATED** the Rights of Beverly Thorp. He denied Beverly Thorp her
12 Due Process Right guaranteed to her by the State of California Constitution and the
13 United States Constitution.
- 14 11. When Judge Attack ignored, set aside, and poo poed the notification of the fact **ALL**
15 Subpoenaed documents were **NOT** produced, he **FAILED** to do his job as a judge
16 and he **VIOLATED** the Rights of Beverly Thorp. He denied Beverly Thorp her Due
17 Process Right and he **VIOLATED** the Rulings of the Court and Established case
18 law.
- 19 12. When Judge Attack ignored, set aside, and poo poed the notification of the fact **ALL**
20 Subpoenaed documents were **NOT** produced, yet, Judge Attack guaranteed the
21 Court was **NOT** Properly Set by **DISMISSING** the Court Reporter, which caused the
22 Court to again to lose Subject Matter Jurisdiction.
- 23 13. The Plaintiff and their attorneys **FAILED** to produce a **VALID** contract between Beverly
24 Thorp and Systems & Services Technologies, Inc.
- 25 14. Systems & Services Technologies, Inc. keeps wanting the Court and everyone else to
26 believe the old contract between Guarantee RV and the Defendant is a valid
27 contract between the Defendant and Systems & Services Technologies, Inc.
28 Nothing could be farther from the **TRUTH**.
- 29 15. The Plaintiff, Systems & Services Technologies, Inc., and their attorneys are basing
30 their claim in this action on the Guarantee RV contract being valid under the Notice

of Rescission Rights Clause. This clause is **INVALID**, **INAPPROPRIATE**, and **UNCONSCIONABLE**. An unconscionable contract or clause is a direct **VIOLATION** of the Uniform Commercial Code. UCC 2-302. Gordon v. Crown Petroleum Corp., D.C. Ga., 423 F. Supp. 58, 61.

16. In August and September of 2006, Beverly Thorp sent a "Satisfaction & Accord" Contract (Letter) to Systems & Services Technologies, Inc. along with a settlement (consideration) check and several notices disputing the amount owed. Never did Systems & Services Technologies, Inc. rebutted these notices or my "Satisfaction & Accord" Contract letter. They did accepted the Final Payment as payment-in-full, and in doing so accepted the "Satisfaction & Accord" Contract letter. Judge Attack overlooked these details, even after they were point out to him.

17. Beverly Thorp **CHALLENGED**, **DENIED**, and **REFUTED** the Court's Subject Matter Jurisdiction. Subject Matter Jurisdiction was lost by the Court through many **IMPROPRIETIES** caused and created by Judge Attack.

18. Systems & Services Technologies, Inc. and their attorneys have claimed all kinds of loss and injury in their Summons and Complaint, but after twelve (12) months, the Plaintiff and their attorneys have **NOT PROVEN ANY LOSE or SUBSTANTIATE THIS ALLEGED CLAIM**. In fact, the Plaintiff and their attorneys in the last twelve (12) months have **NOT PRODUCED** any documents supporting, proving, establishing, upholding, demonstrating, confirming, verifying, and corroborating their Alleged claim of a loss. If they do **NOT** prove any loss, then they have **NO** case.

19. Systems & Services Technologies, Inc. and their attorneys admitted and confessed under oath the Plaintiff, Systems & Services Technologies, Inc., is **ONLY** a servicing agent and **NOT the owner of any commercial paper in this action** and thereby SST could **NEVER** suffer any loss, which makes their Summons and Complaint **FRAUDULENT**. SST has **NO legal GROUNDS** to file a Complaint in this action.

20. Systems & Services Technologies, Inc. has **NO legal GROUNDS** to file a Complaint or claim, then Systems & Services Technologies, Inc. has **NO CASE or LEGAL CLAIM** against the Defendant.

1 The Affiant states this to be the Affiant's Affidavit of Probable Cause regarding:

2
3 **[X] Perjury against his/her oath of office** by subscribing to a material matter he knows
4 to be false (18 U.S.C. Sec. 1621);

5 **[X] Subornation of perjury** by procuring another to commit perjury (18 U.S.C. Sec. 1622);

6 **[X] Treason against the American People** by levying war against their Constitution or
7 aiding its enemies (Article III, Section 3; 18 U.S.C. Sec. 2381);

8 **[X] Insurrection against the Constitution** by inciting, assisting or engaging in rebellion
9 against the **Constitutional authority** of the United States of America (18 U.S.C.
10 Sec. 2383);

11 **[] Sedition/seditious conspiracy** by **conspiring** to overthrow the Constitutional
12 government or delay the execution of a law of the United States of America (18
13 U.S.C. Sec. 2384);

14 **[X] Misprison of treason** by failing to report treason when so noted (18 U.S.C. Sec.
15 2382);

16 **[X] Misprison of felony** by failing to report commission of a felony when so noted (18
17 U.S.C. Sec. 4);

18 **[X] Impeding due exercise of rights** by attempting to prevent, obstruct, impede or
19 interfere with same (18 U.S.C. Sec. 1509);

20 **[X] Extortion** by obtaining property, funds or patronage under pretense of office (18
21 U.S.C. Sec. 872);

22 **[X] Money laundering** by conducting or attempting to conduct a financial transaction with
23 the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);

24 **[] Blackmail by threatening to inform**, or as a consideration for not informing, against
25 any violation of any law for the purpose of demanding or receiving money or other
26 value (18 U.S.C. Sec. 873);

27 **[X] Fraud by a judge** by falsifying or concealing a material fact, making a false
28 representation, writing a false document, or having knowledge that a document is
29 false (18 U.S.C. Sec. 1001);

30 **[X] Making a false declaration** before a United States court (18 U.S.C. Sec. 1623);

1 **[X] Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or
2 threats of same (18 U.S.C. Sec. 1962);

3 **[X] Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);

4 **[] Influencing/injuring a court officer** by threats or force (18 U.S.C. Sec. 1503);

5 **[] Bribery** of a public official witness (circle one) by offering/promising something of
6 value to influence an official act (18 U.S.C. Sec. 201);

7 **[X] Obstructing a investigation** by preventing the communication of information relating
8 to a violation of any criminal statute of the United States to a criminal investigator
9 (18 U.S.C. 1510) by bribery;

10 **[X] Stealing, altering, falsifying, removing or avoiding a court record** with
11 consequential impact on a judgment (18 U.S.C. Sec. 1506);

12 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
13 judgment in the name of any other person not privy or consenting to the same (18
14 U.S.C. Sec. 1506);

15 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
16 or bail in the name of any other person not privy or consenting to the same (18
17 U.S.C. Sec. 1506);

18 **[X] Impeding a case filed under title 11 or in contemplation of such matter** by
19 impeding, obstructing or influencing any such case or contemplation by destroying,
20 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
21 record, document, or tangible object (18 U.S.C. Esc. 1519);

22 **[X] Impeding a matter under agency/department investigation, administration or**
23 **jurisdiction** by impeding, obstructing or influencing any such matter by destroying,
24 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
25 record, document, or tangible object (18 U.S.C. Esc. 1519);

26 **[X] Retaliation against a witness** (18 U.S.C. Sec. 1513);

27 **[] Tampering with a witness** (18 U.S.C. Sec. 1512);

28 [Regarding a maritime jurisdiction (also see *Piracy* below)]

29 **[X] Assault within the maritime jurisdiction** (18 U.S.C. Sec. 113);

1 **[X] Theft within the special maritime jurisdiction** by obtaining something of value from
2 a person or procuring the execution, endorsement, or signature and delivery of a
3 negotiable instrument, draft, check or real or personal property under fraud or false
4 pretenses (18 U.S.C. Sec. 1025);

5 **[] Plunder** money, goods, merchandise, or other effects from or belonging to a **vessel in**
6 **distress within the admiralty** and maritime jurisdiction of the United States (18
7 U.S.C. Sec. 1658);

8 **[X] A judge trespasses** upon the court (upon the law) violates the law. (5 U.S.C. 3331, 28
9 U.S.C. 543, 5 U.S.C. 1983);

10 **[X] A judge who is BIASED** has violated due process. (18 U.S.C. 1509);

11
12 **[X] A judge who is IMPARTIAL makes a STRUCTURAL ERROR.** (18 U.S.C. 1509).

13
14 Further, Dr. Gene Ritchey saith naught.

15
16
17 Without Prejudice, UCC 1-207 & UCC 1-103

19 November 2007

18 Dr. Gene Ritchey

19
20 *Dr. Gene Ritchey*, In Propria Persona Sui Juris
21 A Free Man, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1) De
22 Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

23
24
25 Reserving All Rights, Giving Up None.

26 Notice to agent is notice to principal. Noted to principal is notice to agent.

27 All Rights Reserved (UCC1-308)
28
29
30

1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC007GR
5
6
7
8

FILED

AUG 14 2007

ALEX CALVO CLERK,
BY: COREE MASTERS
DEPUTY, SANTA CRUZ COUNTY

9 **Superior Court of California**
10 County of Santa Cruz
11 701 Ocean St.
12 Santa Cruz CA 95060
13
14
15
16

17 **Plaintiff:**

18
19 Systems & Services Technologies, Inc.
20

21 v.

Case No. CV 155983

22
23 **Defendant:**

24
25 BEVERLY THORP
26
27 _____

**AFFIDAVIT OF A
WITNESS #7**

28
29 **Cross Plaintiff:**

30
31 Beverly Thorp
32

33 v.

34
35 **Cross Defendants:**

36
37 Mr. Herb Nill, Guaranty RV, Mr. George Barnal,
38 Systems & Services Technologies, Inc.,
39 Mr. Robert Kennard, and Nelson & Kennard,
40 Does 1 to 99
41
42
43
44

AFFIDAVIT OF A WITNESS

1 I, Dr. Gene Ritchey, sui juris have first hand knowledge of the facts stated herein, a Lawful
2 Man over the age of majority, being competent in mind and body to testify, declare under
3 penalty of perjury and affirm the facts stated herein are true correct, complete and
4 admissible as evidence, in all material fact, not misrepresented and are made pursuant to
5 the Laws of the united States of America and the California state.

6
7 I, Dr. Gene Ritchey, an objective and detached observer holds and believes there is more
8 than a reasonable question or concern about Judge Robert B. Attack's competence,
9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Attack presides.

11
12 I, Dr. Gene Ritchey, hereby timely say I witnessed on the 12 July 2007 the following
13 behavior and activities while being rude, indifferent, and bored in Court in Department 5
14 at Santa Cruz, California, with Judge Attack presiding and relating to this Public Officer and
15 in the case identified above. Judge Attack gave strong evidence he had **FAILURE to read**
16 or review filed Court documents before coming to Court or before making a ruling. Judge
17 Attack proved this point by asking the apposing counsel, "If they had filed an opposition to
18 the Motion to Dismiss?" The opposition counsel answered, "Yes." Judge Attack then said,
19 "The Motion to Dismiss is DENIED."

20
21 If Judge Attack had read the file and the filed documents, he would have known and read
22 the opposition counsel filed document. It is **NO** stretch of the imagination or understanding,
23 Judge Attack did **NOT** read the Massive paper in support of Dismissing the case. The
24 Motion to Dismiss contained 14 points supported with Statues and Case Law for Dismissal.
25 In addition, there were seven (7) documents filed which greatly expanded the grounds for
26 Dismissal in a lot more detail. Any one of the seven documents gave sufficient grounds to
27 Dismiss this case. This is yet another example of Judge Attack's **BLATANT** disregard for
28 the law, **BIAS, PARTIALITY**, and his lack or inability to hold **FAIR and HONEST** hearings,
29 as required by law. There is still another possibility for Judge Attack's denial of the Motion,

1 he was **RETALIATING** for the efforts to Disqualify him. In either case, Judge Attack actions
2 and behavior is wrong.

3
4 At approximately 8:30 A.M. the undersigned Affiant witnessed Judge Attack commit and
5 undertake what Affiant believes on personal knowledge to be the **CRIMINAL ACTIONS**
6 noted below, and Affiant states this to be the Affiant's Affidavit of Probable Cause
7 regarding same:

8
9 **[X] Perjury against his/her oath of office** by subscribing to a material matter he/she
10 knows to be false (18 U.S.C. Sec. 1621);

11 **[] Subornation of perjury** by procuring another to commit perjury (18 U.S.C. Sec. 1622);

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14 **[X] Insurrection against the Constitution** by inciting, assisting or engaging in rebellion
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16 Sec. 2383);

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18 government or delay the execution of a law of the United States of America (18
19 U.S.C. Sec. 2384);

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21 2382);

22 **[X] Misprison of felony** by failing to report commission of a felony when so noted (18
23 U.S.C. Sec. 4);

24 **[X] Impeding due exercise of rights** by attempting to prevent, obstruct, impede or
25 interfere with same (18 U.S.C. Sec. 1509);

26 **[X] Extortion** by obtaining property, funds or patronage under pretense of office (18
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28 **[X] Money laundering** by conducting or attempting to conduct a financial transaction with
29 the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);

1 **[] Blackmail by threatening to inform**, or as a consideration for not informing, against
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3 value (18 U.S.C. Sec. 873);

4 **[X] Fraud by a judge** by falsifying or concealing a material fact, making a false
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6 false (18 U.S.C. Sec. 1001);

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8 **[X] Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or
9 threats of same (18 U.S.C. Sec. 1962);

10 **[X] Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);

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13 value to influence an official act (18 U.S.C. Sec. 201);

14 **[] Obstructing a criminal investigation** by preventing the communication of information
15 relating to a violation of any criminal statute of the United States to a criminal
16 investigator (18 U.S.C. 1510) by bribery;

17 **[X] Stealing, altering, falsifying, removing or avoiding a court record** with
18 consequential impact on a judgment (18 U.S.C. Sec. 1506);

19 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
20 judgment in the name of any other person not privy or consenting to the same (18
21 U.S.C. Sec. 1506);

22 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
23 or bail in the name of any other person not privy or consenting to the same (18
24 U.S.C. Sec. 1506);

25 **[X] Impeding a case filed under title 11 or in contemplation of such matter** by
26 impeding, obstructing or influencing any such case or contemplation by destroying,
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2 record, document, or tangible object (18 U.S.C. Sec. 1519);

3 ☐ **Retaliation against a witness** (18 U.S.C. Sec. 1513);

4 ☐ **Tampering with a witness** (18 U.S.C. Sec. 1512);

5 [Regarding a maritime jurisdiction (also see *Piracy* below)]

6 ☐ **Assault within the maritime jurisdiction** (18 U.S.C. Sec. 113);

7 ☐ **Theft within the special maritime jurisdiction** by obtaining something of value from
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9 negotiable instrument, draft, check or real or personal property under fraud or false
10 pretenses (18 U.S.C. Sec. 1025);

11 ☐ **Plunder** money, goods, merchandise, or other effects from or belonging to a **vessel in**
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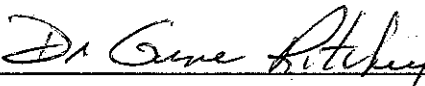
17
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19
20 Further, Dr. Gene Ritchey saith naught.

21 Without Prejudice, UCC 1-207

14 July 2007

22 Dr. Gene Ritchey

23
24  , In Propria Persona Sui Juris
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26 Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

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30 All Rights Reserved (UCC1-308)

FILED

JUN 20 2007

ALEX CALVO, CLERK
BY MICHELLE IRIS
DEPUTY, SANTA CRUZ COUNTY

1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC006GR
5
6
7
8

9 **Superior Court of California**
10 County of Santa Cruz
11 701 Ocean St.
12 Santa Cruz CA 95060
13
14
15

16
17 **Plaintiff:**

18
19 Systems & Services Technologies, Inc.
20

21 v.

Case No. CV 155983

22
23 **Defendant:**

24
25 BEVERLY THORP
26
27 _____
28

**AFFIDAVIT OF A
WITNESS #6**

29 **Cross Plaintiff:**

30
31 Beverly Thorp
32

33 v.

34
35 **Cross Defendants:**

36
37 Mr. Herb Nill, Guaranty RV, Mr. George Barnal,
38 Systems & Services Technologies, Inc.,
39 Mr. Robert Kennard, and Nelson & Kennard,
40 Does 1 to 99
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44

AFFIDAVIT OF A WITNESS

1 I, Dr. Gene Ritchey, sui juris have first hand knowledge of the facts stated herein, a Lawful
 2 Man over the age of majority, being competent in mind and body to testify, declare and
 3 affirm the facts stated herein are true correct, complete and admissible as evidence, in all
 4 material fact, not misrepresented and are made pursuant to the Laws of the united States
 5 of America and the California state.

6
 7 I, Dr. Gene Ritchey, an objective and detached observer holds and believes there is more
 8 than a reasonable question or concern about Judge Robert B. Attack's competence,
 9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
 10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Attack presides.

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 12 I, Dr. Gene Ritchey, hereby timely say I witnessed on the 19 June 2007 the following
 13 behavior and activities while being rude and arrogant in Court in Department 9 at Santa
 14 Cruz, California, with Judge Attack presiding and relating to this Public Officer and in the
 15 case identified above.

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 17 At approximately 1:00 A.M. the undersigned Affiant witnessed Judge Attack commit and
 18 undertake what Affiant believes on personal knowledge to be the **CRIMINAL ACTIONS**
 19 noted below, and Affiant states this to be the Affiant's Affidavit of Probable Cause
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- ☐ **Sedition/seditious conspiracy** by **conspiring** to overthrow the Constitutional government or delay the execution of a law of the United States of America (18 U.S.C. Sec. 2384);
- ☒ **Misprison of treason** by failing to report treason when so noted (18 U.S.C. Sec. 2382);
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- ☒ **Impeding due exercise of rights** by attempting to prevent, obstruct, impede or interfere with same (18 U.S.C. Sec. 1509);
- ☒ **Extortion** by obtaining property, funds or patronage under pretense of office (18 U.S.C. Sec. 872);
- ☒ **Money laundering** by conducting or attempting to conduct a financial transaction with the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);
- ☐ **Blackmail by threatening to inform**, or as a consideration for not informing, against any violation of any law for the purpose of demanding or receiving money or other value (18 U.S.C. Sec. 873);
- ☒ **Fraud by a judge** by falsifying or concealing a material fact, making a false representation, writing a false document, or having knowledge that a document is false (18 U.S.C. Sec. 1001);
- ☒ **Making a false declaration** before a United States court (18 U.S.C. Sec. 1623);
- ☒ **Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or threats of same (18 U.S.C. Sec. 1962);
- ☒ **Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);
- ☐ **Influencing/injuring a court officer** by threats or force (18 U.S.C. Sec. 1503);
- ☐ **Bribery** of a public official witness (circle one) by offering/promising something of value to influence an official act (18 U.S.C. Sec. 201);
- ☐ **Obstructing a criminal investigation** by preventing the communication of information relating to a violation of any criminal statute of the United States to a criminal investigator (18 U.S.C. 1510) by bribery;

1 **[X] Stealing, altering, falsifying, removing or avoiding a court record with**
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3 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
4 judgment in the name of any other person not privy or consenting to the same (18
5 U.S.C. Sec. 1506);

6 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
7 or bail in the name of any other person not privy or consenting to the same (18
8 U.S.C. Sec. 1506);

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10 impeding, obstructing or influencing any such case or contemplation by destroying,
11 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
12 record, document, or tangible object (18 U.S.C. Sec. 1519);

13 **[] Impeding a matter under agency/department investigation, administration or**
14 **jurisdiction** by impeding, obstructing or influencing any such matter by destroying,
15 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
16 record, document, or tangible object (18 U.S.C. Sec. 1519);

17 **[] Retaliation against a witness** (18 U.S.C. Sec. 1513);

18 **[] Tampering with a witness** (18 U.S.C. Sec. 1512);

19 [Regarding a maritime jurisdiction (also see *Piracy* below)]

20 **[] Assault within the maritime jurisdiction** (18 U.S.C. Sec. 113);

21 **[] Theft within the special maritime jurisdiction** by obtaining something of value from
22 a person or procuring the execution, endorsement, or signature and delivery of a
23 negotiable instrument, draft, check or real or personal property under fraud or false
24 pretenses (18 U.S.C. Sec. 1025);

25 **[] Plunder money, goods, merchandise, or other effects from or belonging to a vessel in**
26 **distress within the admiralty** and maritime jurisdiction of the United States (18
27 U.S.C. Sec. 1658);

28 **[X] A judge trespasses** upon the court (upon the law) violates the law. (5 U.S.C. 3331, 28
29 U.S.C. 543, 5 U.S.C. 1983);

30 **[X] A judge who is BIASED** has violated due process. (18 U.S.C. 1509);

1 **[X] A judge who is IMPARTIAL makes a STRUCTURAL ERROR. (18 U.S.C. 1509).**

2
3 Further, Dr. Gene Ritchey saith naught.

4
5
6 Without Prejudice, UCC 1-207

19 June 2007

7 Dr. Gene Ritchey

8
9 Dr Gene Ritchey, In Propria Persona Sui Juris
10 A Free Man, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1) De
11 Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

12
13
14 Reserving All Rights, Giving Up None.

15 Notice to agent is notice to principal. Noted to principal is notice to agent.

16 All Rights Reserved (UCC1-308)

FILED

JUN 20 2007

ALEX CALVO, CLERK
BY MICHELLE IRIS
DEPUTY, SANTA CRUZ COUNTY

1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC005GR
5
6
7
8

9 **Superior Court of California**
10 County of Santa Cruz
11 701 Ocean St.
12 Santa Cruz CA 95060
13
14
15

16
17 **Plaintiff:**

18 Systems & Services Technologies, Inc.
19
20

21 v.
22

Case No. CV 155983

23 **Defendant:**

24 BEVERLY THORP
25
26
27 _____
28

**AFFIDAVIT OF A
WITNESS #5**

29 **Cross Plaintiff:**

30 Beverly Thorp
31
32

33 v.
34

35 **Cross Defendants:**

36
37 Mr. Herb Nill, Guaranty RV, Mr. George Barnal,
38 Systems & Services Technologies, Inc.,
39 Mr. Robert Kennard, and Nelson & Kennard,
40 Does 1 to 99
41
42
43
44

AFFIDAVIT OF A WITNESS

1 I, Dr. Gene Ritchey, sui juris have first hand knowledge of the facts stated herein, a Lawful
2 Man over the age of majority, being competent in mind and body to testify, declare and
3 affirm the facts stated herein are true correct, complete and admissible as evidence, in all
4 material fact, not misrepresented and are made pursuant to the Laws of the united States
5 of America and the California state.

6
7 I, Dr. Gene Ritchey, an objective and detached observer holds and believes there is more
8 than a reasonable question or concern about Judge Robert B. Attack's competence,
9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Attack presides.

11
12 I, Dr. Gene Ritchey, hereby timely say I witnessed on the 14June 2007 the following
13 behavior and activities while being rude and arrogant in Court in Department 9 at Santa
14 Cruz, California, with Judge Attack presiding and relating to this Public Officer and in the
15 case identified above.

16
17 At approximately 8:30 A.M. the undersigned Affiant witnessed Judge Attack commit and
18 undertake what Affiant believes on personal knowledge to be the **CRIMINAL ACTIONS**
19 noted below.

20
21 During the above stated hearing, Judge Attack was extremely rude, arrogant, and **VERY,**
22 **VERY BIAS and PREJUDICE.** He blatantly **LIED** on different occasions during the
23 hearing. He **VIOLATED his Oath of Office** which is grounds for **IMPEACHMENT.** In
24 addition, he committed **CONTEMPT of COURT**, probably more than once. He committed
25 **FRAUD by a JUDGE**, also. When Judge Attack committed these **CRIMINAL ACTS**, he
26 ceased to be a judge and he **LOSES his IMMUNITY** and he is personally subject to
27 damages.

28
29 The Affiant states this to be the Affiant's Affidavit of Probable Cause regarding same:
30

- 1 **[X] Perjury against his/her oath of office** by subscribing to a material matter he/she
2 knows to be false (18 U.S.C. Sec. 1621);
- 3 **[] Subornation of perjury** by procuring another to commit perjury (18 U.S.C. Sec. 1622);
- 4 **[X] Treason against the American People** by levying war against their Constitution or
5 aiding its enemies (Article III, Section 3; 18 U.S.C. Sec. 2381);
- 6 **[X] Insurrection against the Constitution** by inciting, assisting or engaging in rebellion
7 against the **Constitutional authority** of the United States of America (18 U.S.C.
8 Sec. 2383);
- 9 **[] Sedition/seditious conspiracy** by **conspiring** to overthrow the Constitutional
10 government or delay the execution of a law of the United States of America (18
11 U.S.C. Sec. 2384);
- 12 **[X] Misprison of treason** by failing to report treason when so noted (18 U.S.C. Sec.
13 2382);
- 14 **[X] Misprison of felony** by failing to report commission of a felony when so noted (18
15 U.S.C. Sec. 4);
- 16 **[X] Impeding due exercise of rights** by attempting to prevent, obstruct, impede or
17 interfere with same (18 U.S.C. Sec. 1509);
- 18 **[X] Extortion** by obtaining property, funds or patronage under pretense of office (18
19 U.S.C. Sec. 872);
- 20 **[X] Money laundering** by conducting or attempting to conduct a financial transaction with
21 the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);
- 22 **[] Blackmail by threatening to inform**, or as a consideration for not informing, against
23 any violation of any law for the purpose of demanding or receiving money or other
24 value (18 U.S.C. Sec. 873);
- 25 **[X] Fraud by a judge** by falsifying or concealing a material fact, making a false
26 representation, writing a false document, or having knowledge that a document is
27 false (18 U.S.C. Sec. 1001);
- 28 **[X] Making a false declaration** before a United States court (18 U.S.C. Sec. 1623);
- 29 **[X] Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or
30 threats of same (18 U.S.C. Sec. 1962);

- 1 **[X] Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);
- 2 **[] Influencing/injuring a court officer** by threats or force (18 U.S.C. Sec. 1503);
- 3 **[] Bribery** of a public official witness (circle one) by offering/promising something of
- 4 value to influence an official act (18 U.S.C. Sec. 201);
- 5 **[] Obstructing a criminal investigation** by preventing the communication of information
- 6 relating to a violation of any criminal statute of the United States to a criminal
- 7 investigator (18 U.S.C. 1510) by bribery;
- 8 **[X] Stealing, altering, falsifying, removing or avoiding a court record** with
- 9 consequential impact on a judgment (18 U.S.C. Sec. 1506);
- 10 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
- 11 judgment in the name of any other person not privy or consenting to the same (18
- 12 U.S.C. Sec. 1506);
- 13 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
- 14 or bail in the name of any other person not privy or consenting to the same (18
- 15 U.S.C. Sec. 1506);
- 16 **[X] Impeding a case filed under title 11 or in contemplation of such matter** by
- 17 impeding, obstructing or influencing any such case or contemplation by destroying,
- 18 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
- 19 record, document, or tangible object (18 U.S.C. Esc. 1519);
- 20 **[] Impeding a matter under agency/department investigation, administration or**
- 21 **jurisdiction** by impeding, obstructing or influencing any such matter by destroying,
- 22 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
- 23 record, document, or tangible object (18 U.S.C. Esc. 1519);
- 24 **[] Retaliation against a witness** (18 U.S.C. Sec. 1513);
- 25 **[] Tampering with a witness** (18 U.S.C. Sec. 1512);
- 26 [Regarding a maritime jurisdiction (also see *Piracy* below)]
- 27 **[] Assault within the maritime jurisdiction** (18 U.S.C. Sec. 113);
- 28 **[] Theft within the special maritime jurisdiction** by obtaining something of value from
- 29 a person or procuring the execution, endorsement, or signature and delivery of a

negotiable instrument, draft, check or real or personal property under fraud or false pretenses (18 U.S.C. Sec. 1025);

[] **Plunder** money, goods, merchandise, or other effects from or belonging to a vessel in distress within the admiralty and maritime jurisdiction of the United States (18 U.S.C. Sec. 1658);

[X] **A judge trespasses** upon the court (upon the law) violates the law. (5 U.S.C. 3331, 28 U.S.C. 543, 5 U.S.C. 1983);

[X] **A judge who is BIASED** has violated due process. (18 U.S.C. 1509);

[X] **A judge who is IMPARTIAL makes a STRUCTURAL ERROR.** (18 U.S.C. 1509).

Further, Dr. Gene Ritchey saith naught.

Without Prejudice, UCC 1-207

19 June 2007

Dr. Gene Ritchey

Dr. Gene Ritchey, In Propria Persona Sui Juris
A Free Man, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1) De Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

Reserving All Rights, Giving Up None.

Notice to agent is notice to principal. Noted to principal is notice to agent.

All Rights Reserved (UCC1-308)

FILED

JUN 20 2007

ALEX CALVO, CLERK
BY MICHELLE IRIS
DEPUTY, SANTA CRUZ COUNTY

1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC004GR
5
6
7
8

9 **Superior Court of California**
10 County of Santa Cruz
11 701 Ocean St.
12 Santa Cruz CA 95060
13
14
15
16

17 **Plaintiff:**

18 Systems & Services Technologies, Inc.
19
20

21 v.
22

23 **Defendant:**

24 BEVERLY THORP
25
26
27

28 **Cross Plaintiff:**

29 Beverly Thorp
30
31
32

33 v.
34

35 **Cross Defendants:**

36
37 Mr. Herb Nill, Guaranty RV, Mr. George Barnal,
38 Systems & Services Technologies, Inc.,
39 Mr. Robert Kennard, and Nelson & Kennard,
40 Does 1 to 99
41
42
43
44

Case No. CV 155983

**AFFIDAVIT OF A
WITNESS #4**

AFFIDAVIT OF A WITNESS

1 I, Dr. Gene Ritchey, sui juris have first hand knowledge of the facts stated herein, a Lawful
2 Man over the age of majority, being competent in mind and body to testify, declare and
3 affirm the facts stated herein are true correct, complete and admissible as evidence, in all
4 material fact, not misrepresented and are made pursuant to the Laws of the united States
5 of America and the California state.

6
7 I, Dr. Gene Ritchey, an objective and detached observer holds and believes there is more
8 than a reasonable question or concern about Judge Robert B. Attack's competence,
9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Attack presides.

11
12 I, Dr. Gene Ritchey, hereby timely say I witnessed on the 22 January 2007 and 24 January
13 2007 the following behavior and activities while being rude and arrogant in Court in
14 Department 9 at Santa Cruz, California, with Judge Attack presiding and relating to this
15 Public Officer and in the case identified above.

16
17 At approximately 1:00 A.M. the undersigned Affiant witnessed Judge Attack commit and
18 undertake what Affiant believes on personal knowledge to be the **CRIMINAL ACTIONS**
19 noted below, and Affiant states this to be the Affiant's Affidavit of Probable Cause
20 regarding same:

21
22 **[X] Perjury against his/her oath of office** by subscribing to a material matter he/she
23 knows to be false (18 U.S.C. Sec. 1621);

24 **[] Subornation of perjury** by procuring another to commit perjury (18 U.S.C. Sec. 1622);

25 **[X] Treason against the American People** by levying war against their Constitution or
26 aiding its enemies (Article III, Section 3; 18 U.S.C. Sec. 2381);

27 **[X] Insurrection against the Constitution** by inciting, assisting or engaging in rebellion
28 against the **Constitutional authority** of the United States of America (18 U.S.C.
29 Sec. 2383);

- ☐ **Sedition/seditious conspiracy by conspiring** to overthrow the Constitutional government or delay the execution of a law of the United States of America (18 U.S.C. Sec. 2384);
- ☒ **Misprison of treason** by failing to report treason when so noted (18 U.S.C. Sec. 2382);
- ☒ **Misprison of felony** by failing to report commission of a felony when so noted (18 U.S.C. Sec. 4);
- ☒ **Impeding due exercise of rights** by attempting to prevent, obstruct, impede or interfere with same (18 U.S.C. Sec. 1509);
- ☒ **Extortion** by obtaining property, funds or patronage under pretense of office (18 U.S.C. Sec. 872);
- ☒ **Money laundering** by conducting or attempting to conduct a financial transaction with the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);
- ☐ **Blackmail by threatening to inform**, or as a consideration for not informing, against any violation of any law for the purpose of demanding or receiving money or other value (18 U.S.C. Sec. 873);
- ☒ **Fraud by a judge** by falsifying or concealing a material fact, making a false representation, writing a false document, or having knowledge that a document is false (18 U.S.C. Sec. 1001);
- ☒ **Making a false declaration** before a United States court (18 U.S.C. Sec. 1623);
- ☒ **Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or threats of same (18 U.S.C. Sec. 1962);
- ☒ **Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);
- ☐ **Influencing/injuring a court officer** by threats or force (18 U.S.C. Sec. 1503);
- ☐ **Bribery** of a public official witness (circle one) by offering/promising something of value to influence an official act (18 U.S.C. Sec. 201);
- ☐ **Obstructing a criminal investigation** by preventing the communication of information relating to a violation of any criminal statute of the United States to a criminal investigator (18 U.S.C. 1510) by bribery;

1 **[X] Stealing, altering, falsifying, removing or avoiding a court record with**
2 consequential impact on a judgment (18 U.S.C. Sec. 1506);

3 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
4 judgment in the name of any other person not privy or consenting to the same (18
5 U.S.C. Sec. 1506);

6 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
7 or bail in the name of any other person not privy or consenting to the same (18
8 U.S.C. Sec. 1506);

9 **[X] Impeding a case filed under title 11 or in contemplation of such matter** by
10 impeding, obstructing or influencing any such case or contemplation by destroying,
11 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
12 record, document, or tangible object (18 U.S.C. Sec. 1519);

13 **[] Impeding a matter under agency/department investigation, administration or**
14 **jurisdiction** by impeding, obstructing or influencing any such matter by destroying,
15 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
16 record, document, or tangible object (18 U.S.C. Sec. 1519);

17 **[] Retaliation against a witness** (18 U.S.C. Sec. 1513);

18 **[] Tampering with a witness** (18 U.S.C. Sec. 1512);

19 [Regarding a maritime jurisdiction (also see *Piracy* below)]

20 **[] Assault within the maritime jurisdiction** (18 U.S.C. Sec. 113);

21 **[] Theft within the special maritime jurisdiction** by obtaining something of value from
22 a person or procuring the execution, endorsement, or signature and delivery of a
23 negotiable instrument, draft, check or real or personal property under fraud or false
24 pretenses (18 U.S.C. Sec. 1025);

25 **[] Plunder money, goods, merchandise, or other effects from or belonging to a vessel in**
26 **distress within the admiralty** and maritime jurisdiction of the United States (18
27 U.S.C. Sec. 1658);

28 **[X] A judge trespasses** upon the court (upon the law) violates the law. (5 U.S.C. 3331, 28
29 U.S.C. 543, 5 U.S.C. 1983);

30 **[X] A judge who is BIASED** has violated due process. (18 U.S.C. 1509);

1 **[X] A judge who is IMPARTIAL makes a STRUCTURAL ERROR. (18 U.S.C. 1509).**

2
3 Further, Dr. Gene Ritchey saith naught.

4
5
6 Without Prejudice, UCC 1-207

24 January 2007

7 Dr. Gene Ritchey

8
9 Dr. Gene Ritchey, In Propria Persona Sui Juris
10 A Free Man, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1) De
11 Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

12
13
14 Reserving All Rights, Giving Up None.

15 Notice to agent is notice to principal. Noted to principal is notice to agent.

16 All Rights Reserved (UCC1-308)

FILED

JUN 20 2007

ALEX CALVO, CLERK
BY MICHELLE IRIS
DEPUTY, SANTA CRUZ COUNTY

1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC003GR
5
6
7
8

9 **Superior Court of California**
10 County of Santa Cruz
11 701 Ocean St.
12 Santa Cruz CA 95060
13
14
15
16

17 **Plaintiff:**

18
19 Systems & Services Technologies, Inc.
20

21 v.

Case No. CV 155983

22
23 **Defendant:**

24 BEVERLY THORP
25
26
27

AFFIDAVIT OF A
WITNESS #3

28
29 **Cross Plaintiff:**

30
31 Beverly Thorp
32

33 v.

34
35 **Cross Defendants:**

36
37 Mr. Herb Nill, Guaranty RV, Mr. George Barnal,
38 Systems & Services Technologies, Inc.,
39 Mr. Robert Kennard, and Nelson & Kennard,
40 Does 1 to 99
41
42
43
44

AFFIDAVIT OF A WITNESS #3

1 I, Dr. Gene Ritchey, sui juris have first hand knowledge of the facts stated herein, a Lawful
 2 Man over the age of majority, being competent in mind and body to testify, declare and
 3 affirm the facts stated herein are true correct, complete and admissible as evidence, in all
 4 material fact, not misrepresented and are made pursuant to the Laws of the united States
 5 of America and the California state.

6
 7 I, Dr. Gene Ritchey, am an objective and detached observer who holds and believes there
 8 is more than a reasonable question, or concern, about Judge Paul Burdick's competence,
 9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
 10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Paul Burdick presides.

11
 12 I, Dr. Gene Ritchey, hereby timely say I witnessed on 18 June 2007 the following behavior
 13 and activities. The Public Officer, Judge Paul Burdick, presided at a hearing in Department
 14 8 in Santa Cruz, California, when he had **NO POWER, AUTHORITY, or JURISDICTION**,
 15 as these had been **STRIPPED** from him. Paul Burdick had been **DISQUALIFIED** on 22
 16 May 2007. Anything Paul Burdick did after 22 May 2007, he was **MASQUERADING** and
 17 **IMPERSONATING** a judge with **NO POWER** to do so.

18
 19 At approximately 8:30 A.M. the undersigned Affiant witnessed Paul Burdick commit and
 20 undertake what Affiant believes on personal knowledge to be the **CRIMINAL ACTIONS**
 21 noted below.

22
 23 During the above stated hearing, Burdick was rude, arrogant, and **VERY, VERY BIAS** and
 24 **PREJUDICE**. He blatantly **LIED** on different occasions during the hearing. He **VIOLATED**
 25 **his Oath of Office** which is grounds for **IMPEACHMENT**. In addition, he committed
 26 **CONTEMPT of COURT**, probably more than once. He committed **FRAUD by a JUDGE**,
 27 probably more than once. When Burdick committed these **CRIMINAL ACTS**, he ceased
 28 to be a judge and he **LOSES his IMMUNITY** and he is **personally subject to damages**.

29
 30 The Affiant states this to be the Affiant's Affidavit of Probable Cause regarding same:

1 The Affiant states this to be the Affiant's Affidavit of Probable Cause regarding same:

2
3 **[X] Perjury against his/her oath of office** by subscribing to a material matter he/she
4 knows to be false (18 U.S.C. Sec. 1621);

5 **[X] Perjured him/her/self** by making statements he/she knows to be false (18 U.S.C. Sec.
6 1621 & 1622);

7 **[] Subornation of perjury** by procuring another to commit perjury (18 U.S.C. Sec. 1622);

8 **[X] Treason against the American People** by levying war against their Constitution or
9 aiding its enemies (Article III, Section 3; 18 U.S.C. Sec. 2381);

10 **[X] Insurrection against the Constitution** by inciting, assisting or engaging in rebellion
11 against the **Constitutional authority** of the United States of America (18 U.S.C.
12 Sec. 2383);

13 **[X] Sedition/seditious conspiracy** by **conspiring** to overthrow the Constitutional
14 government or delay the execution of a law of the United States of America (18
15 U.S.C. Sec. 2384);

16 **[X] Misprision** by committing contempt against, a sovereign, the government, or the court
17 (18 U.S.C. Sec. 2382);

18 **[X] Misprision of treason** by failing to report treason when so noted (18 U.S.C. Sec.
19 2382);

20 **[X] Misprision of felony** by failing to report commission of a felony when so noted (18
21 U.S.C. Sec. 4);

22 **[X] Impeding due exercise of rights** by attempting to prevent, obstruct, impede or
23 interfere with same (18 U.S.C. Sec. 1509);

24 **[X] Extortion** by obtaining property, funds or patronage under pretense of office (18
25 U.S.C. Sec. 872);

26 **[X] Money laundering** by conducting or attempting to conduct a financial transaction with
27 the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);

28 **[] Blackmail by threatening to inform**, or as a consideration for not informing, against
29 any violation of any law for the purpose of demanding or receiving money or other
30 value (18 U.S.C. Sec. 873);

1 **[X] Fraud by a judge** by falsifying or concealing a material fact, making a false
2 representation, writing a false document, or having knowledge a document is false
3 (18 U.S.C. Sec. 1001);

4 **[X] Making a false declaration** before a United States court (18 U.S.C. Sec. 1623);

5 **[X] Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or
6 threats of same (18 U.S.C. Sec. 1962);

7 **[X] Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);

8 **[] Influencing/injuring a court officer** by threats or force (18 U.S.C. Sec. 1503);

9 **[] Bribery** of a public official witness by offering/promising something of value to influence
10 an official act (18 U.S.C. Sec. 201);

11 **[] Obstructing a criminal investigation** by preventing the communication of information
12 relating to a violation of any criminal statute of the United States to a criminal
13 investigator (18 U.S.C. 1510) by bribery;

14 **[X] Stealing, altering, falsifying, removing or avoiding a court record** with
15 consequential impact on a judgment (18 U.S.C. Sec. 1506);

16 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
17 judgment in the name of any other person not privy or consenting to the same (18
18 U.S.C. Sec. 1506);

19 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
20 or bail in the name of any other person not privy or consenting to the same (18
21 U.S.C. Sec. 1506);

22 **[X] Impeding a case filed under title 11 or in contemplation of such matter** by
23 impeding, obstructing or influencing any such case or contemplation by destroying,
24 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
25 record, document, or tangible object (18 U.S.C. Esc. 1519);

26 **[] Impeding a matter under agency/department investigation, administration or**
27 **jurisdiction** by impeding, obstructing or influencing any such matter by destroying,
28 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
29 record, document, or tangible object (18 U.S.C. Esc. 1519);

30 **[X] Retaliation against a witness** or a party to an action (18 U.S.C. Sec. 1513);

☐ **Tampering with a witness** (18 U.S.C. Sec. 1512);

[Regarding a maritime jurisdiction (also see *Piracy* below)]

☐ **Assault within the maritime jurisdiction** (18 U.S.C. Sec. 113);

☐ **Theft within the special maritime jurisdiction** by obtaining something of value from a person or procuring the execution, endorsement, or signature and delivery of a negotiable instrument, draft, check or real or personal property under fraud or false pretenses (18 U.S.C. Sec. 1025);

☐ **Plunder** money, goods, merchandise, or other effects from or belonging to a **vessel in distress within the admiralty** and maritime jurisdiction of the United States (18 U.S.C. Sec. 1658);

☒ **A judge trespasses** upon the court (upon the law) violates the law. (5 U.S.C. 3331, 28 U.S.C. 543, 5 U.S.C. 1983);

☒ **A judge who is BIASED** has violated due process. (18 U.S.C. 1509);

☒ **A judge who is IMPARTIAL makes a STRUCTURAL ERROR.** (18 U.S.C. 1509).

Further, Dr. Gene Ritchey saith naught.

Without Prejudice, UCC 1-207

18 June 2007

Dr. Gene Ritchey

Dr. Gene Ritchey, In Propria Persona Sui Juris
A Free Man, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1) De
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1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC002GR
5
6
7
8

FILED
MAY 21 2007

ALEX CALVO, CLERK
BY DEBORAH ROJAS
DEPUTY, SANTA CRUZ COUNTY

9 **Superior Court of California**
10 County of Santa Cruz
11 701 Ocean St.
12 Santa Cruz CA 95060
13
14
15

16
17 **Plaintiff:**

18
19 Systems & Services Technologies, Inc. et al.
20

21 v.

Case No. CV 155983

22
23 **Defendant:**

24
25 BEVERLY THORP
26
27 _____

**AFFIDAVIT OF A
WITNESS #2**

28
29 **Cross Plaintiff:**

30
31 Beverly Thorp
32

33 v.

34
35 **Cross Defendants:**

36
37 Mr. Herb Nill, Guaranty RV et al., Mr. George Barnal,
38 Systems & Services Technologies, Inc. et al.,
39 Mr. Robert Kennard, and Nelson & Kennard et al.,
40 Does 1 to 99
41
42 _____

43
44 **AFFIDAVIT OF A WITNESS #2**

1 I, Dr. Gene Ritchey, sui juris have first hand knowledge of the facts stated herein, a Lawful
2 Man over the age of majority, being competent in mind and body to testify, declare and
3 affirm the facts stated herein are true correct, complete and admissible as evidence, in all
4 material fact, not misrepresented and are made pursuant to the Laws of the united States
5 of America and the California state.

6
7 I, Dr. Gene Ritchey, am an objective and detached observer who holds and believes there
8 is more than a reasonable question, or concern, about Judge Paul Burdick's competence,
9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Paul Burdick presides.

11
12 I, Dr. Gene Ritchey, hereby timely say I witnessed on 11 May 2007 the following behavior
13 and activities. The Public Officer, Judge Paul Burdick, presided in Department 8 in Santa
14 Cruz, California.

15
16 At approximately 8:30 A.M. the undersigned Affiant witnessed Judge Paul Burdick commit
17 and undertake what Affiant believes on personal knowledge to be the **CRIMINAL**
18 **ACTIONS** noted below.

19
20 During the above stated hearing, Judge Burdick was extremely rude, arrogant, and **VERY,**
21 **VERY BIAS and PREJUDICE.** He blatantly **LIED** two different times during the hearing.
22 He **VIOLATED his Oath of Office** which is grounds for **IMPEACHMENT.** In addition, he
23 committed **CONTEMPT of COURT**, probably more than once. When Judge Burdick
24 committed these **CRIMINAL ACTS**, he ceased to be a judge and he **LOSES his**
25 **IMMUNITY** and he is personally subject to damages.

26
27 The Affiant states this to be the Affiant's Affidavit of Probable Cause regarding same:

28
29 **[X] Perjury against his/her oath of office** by subscribing to a material matter he/she
30 knows to be false (18 U.S.C. Sec. 1621);

1 **[X] Perjured him/her/self** by making statements he/she knows to be false (18 U.S.C. Sec.
2 1621 & 1622);

3 **[] Subornation of perjury** by procuring another to commit perjury (18 U.S.C. Sec. 1622);

4 **[X] Treason against the American People** by levying war against their Constitution or
5 aiding its enemies (Article III, Section 3; 18 U.S.C. Sec. 2381);

6 **[X] Insurrection against the Constitution** by inciting, assisting or engaging in rebellion
7 against the **Constitutional authority** of the United States of America (18 U.S.C.
8 Sec. 2383);

9 **[X] Sedition/seditious conspiracy** by **conspiring** to overthrow the Constitutional
10 government or delay the execution of a law of the United States of America (18
11 U.S.C. Sec. 2384);

12 **[X] Misprision** by committing contempt against, a sovereign, the government, or the court
13 (18 U.S.C. Sec. 2382);

14 **[X] Misprision of treason** by failing to report treason when so noted (18 U.S.C. Sec.
15 2382);

16 **[X] Misprision of felony** by failing to report commission of a felony when so noted (18
17 U.S.C. Sec. 4);

18 **[X] Impeding due exercise of rights** by attempting to prevent, obstruct, impede or
19 interfere with same (18 U.S.C. Sec. 1509);

20 **[X] Extortion** by obtaining property, funds or patronage under pretense of office (18
21 U.S.C. Sec. 872);

22 **[X] Money laundering** by conducting or attempting to conduct a financial transaction with
23 the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);

24 **[] Blackmail by threatening to inform**, or as a consideration for not informing, against
25 any violation of any law for the purpose of demanding or receiving money or other
26 value (18 U.S.C. Sec. 873);

27 **[X] Fraud by a judge** by falsifying or concealing a material fact, making a false
28 representation, writing a false document, or having knowledge a document is false
29 (18 U.S.C. Sec. 1001);

30 **[X] Making a false declaration** before a United States court (18 U.S.C. Sec. 1623);

1 **[X] Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or
2 threats of same (18 U.S.C. Sec. 1962);

3 **[X] Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);

4 **[] Influencing/injuring a court officer** by threats or force (18 U.S.C. Sec. 1503);

5 **[] Bribery** of a public official witness by offering/promising something of value to influence
6 an official act (18 U.S.C. Sec. 201);

7 **[] Obstructing a criminal investigation** by preventing the communication of information
8 relating to a violation of any criminal statute of the United States to a criminal
9 investigator (18 U.S.C. 1510) by bribery;

10 **[X] Stealing, altering, falsifying, removing or avoiding a court record** with
11 consequential impact on a judgment (18 U.S.C. Sec. 1506);

12 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
13 judgment in the name of any other person not privy or consenting to the same (18
14 U.S.C. Sec. 1506);

15 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
16 or bail in the name of any other person not privy or consenting to the same (18
17 U.S.C. Sec. 1506);

18 **[X] Impeding a case filed under title 11 or in contemplation of such matter** by
19 impeding, obstructing or influencing any such case or contemplation by destroying,
20 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
21 record, document, or tangible object (18 U.S.C. Esc. 1519);

22 **[] Impeding a matter under agency/department investigation, administration or**
23 **jurisdiction** by impeding, obstructing or influencing any such matter by destroying,
24 mutilating, altering, concealing, covering-up, falsifying, or making a false entry in any
25 record, document, or tangible object (18 U.S.C. Esc. 1519);

26 **[X] Retaliation against a witness** or a party to an action (18 U.S.C. Sec. 1513);

27 **[] Tampering with a witness** (18 U.S.C. Sec. 1512);

28 [Regarding a maritime jurisdiction (also see *Piracy* below)]

29 **[] Assault within the maritime jurisdiction** (18 U.S.C. Sec. 113);

1 **[] Theft within the special maritime jurisdiction** by obtaining something of value from
2 a person or procuring the execution, endorsement, or signature and delivery of a
3 negotiable instrument, draft, check or real or personal property under fraud or false
4 pretenses (18 U.S.C. Sec. 1025);

5 **[] Plunder** money, goods, merchandise, or other effects from or belonging to a vessel in
6 distress within the admiralty and maritime jurisdiction of the United States (18
7 U.S.C. Sec. 1658);

8 **[X] A judge trespasses** upon the court (upon the law) violates the law. (5 U.S.C. 3331, 28
9 U.S.C. 543, 5 U.S.C. 1983);

10 **[X] A judge who is BIASED** has violated due process. (18 U.S.C. 1509);

11 **[X] A judge who is IMPARTIAL makes a STRUCTURAL ERROR.** (18 U.S.C. 1509).

12
13 Further, Dr. Gene Ritchey saith naught.

14
15
16 Without Prejudice, UCC 1-207

11 May 2007

17 Dr. Gene Ritchey

18
19 Dr. Gene Ritchey, In Propria Persona Sui Juris
20 A Free Man, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1) De
21 Jure Soli, Jus Sanguinis, Coronea, Teste Meipso.

22
23
24 Reserving All Rights, Giving Up None.

25 Notice to agent is notice to principal. Noted to principal is notice to agent.

26 All Rights Reserved (UCC1-308)
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FILED

MAY 08 2007

ALEX CALVO CLERK,
BY: COREE MASTERS
DEPUTY, SANTA CRUZ COUNTY

1 Dr. Gene Ritchey
2 c/o Box 2070
3 Sunnyvale CA 94087
4 SC001GR
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9

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12 701 Ocean St.
13 Santa Cruz CA 95060
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 9 impartiality, and his ability to hold a fair and impartial hearing. I believe, it is **HIGHLY**
 10 **UNLIKELY** a **FAIR** and **HONEST** hearing will be had, when Judge Paul Burdick presides.

11
 12 I, Dr. Gene Ritchey, hereby timely say I witnessed on the 29 January 2007 and 11 March
 13 2007 the following behavior and activities while being rude and arrogant in live Court in
 14 Department 8 at Santa Cruz, California, with Judge Paul Burdick presiding and relating to
 15 this Public Officer and in the case identified above.

16
 17 At approximately 8:30 A.M. the undersigned Affiant witnessed Judge Paul Burdick commit
 18 and undertake what Affiant believes on personal knowledge to be the **CRIMINAL**
 19 **ACTIONS** noted below, and Affiant states this to be the Affiant's Affidavit of Probable
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 26 aiding its enemies (Article III, Section 3; 18 U.S.C. Sec. 2381);

27 **[X] Insurrection against the Constitution** by inciting, assisting or engaging in rebellion
 28 against the **Constitutional authority** of the United States of America (18 U.S.C.
 29 Sec. 2383);

- ☐ **Sedition/seditious conspiracy** by **conspiring** to overthrow the Constitutional government or delay the execution of a law of the United States of America (18 U.S.C. Sec. 2384);
- ☒ **Misprison of treason** by failing to report treason when so noted (18 U.S.C. Sec. 2382);
- ☒ **Misprison of felony** by failing to report commission of a felony when so noted (18 U.S.C. Sec. 4);
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- ☒ **Extortion** by obtaining property, funds or patronage under pretense of office (18 U.S.C. Sec. 872);
- ☒ **Money laundering** by conducting or attempting to conduct a financial transaction with the proceeds of an unlawful activity (18 U.S.C. Sec. 1956);
- ☐ **Blackmail by threatening to inform**, or as a consideration for not informing, against any violation of any law for the purpose of demanding or receiving money or other value (18 U.S.C. Sec. 873);
- ☒ **Fraud by a judge** by falsifying or concealing a material fact, making a false representation, writing a false document, or having knowledge that a document is false (18 U.S.C. Sec. 1001);
- ☒ **Making a false declaration** before a United States court (18 U.S.C. Sec. 1623);
- ☒ **Racketeering** by conducting an ongoing enterprise of robbery, bribery, extortion, or threats of same (18 U.S.C. Sec. 1962);
- ☒ **Conspiracy to offend or defraud the United States** (18 U.S.C. Sec. 371);
- ☐ **Influencing/injuring a court officer** by threats or force (18 U.S.C. Sec. 1503);
- ☐ **Bribery** of a public official witness (circle one) by offering/promising something of value to influence an official act (18 U.S.C. Sec. 201);
- ☐ **Obstructing a criminal investigation** by preventing the communication of information relating to a violation of any criminal statute of the United States to a criminal investigator (18 U.S.C. 1510) by bribery;

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2 consequential impact on a judgment (18 U.S.C. Sec. 1506);

3 **[X] Involuntary judgment** by acknowledging or procuring to be acknowledged any
4 judgment in the name of any other person not privy or consenting to the same (18
5 U.S.C. Sec. 1506);

6 **[] Involuntary bail** by acknowledging or procuring to be acknowledged any recognizance
7 or bail in the name of any other person not privy or consenting to the same (18
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22 a person or procuring the execution, endorsement, or signature and delivery of a
23 negotiable instrument, draft, check or real or personal property under fraud or false
24 pretenses (18 U.S.C. Sec. 1025);

25 **[] Plunder money, goods, merchandise, or other effects from or belonging to a vessel in**
26 **distress within the admiralty** and maritime jurisdiction of the United States (18
27 U.S.C. Sec. 1658);

28 **[X] A judge trespasses** upon the court (upon the law) violates the law. (5 U.S.C. 3331, 28
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7 May 2007

7 Dr. Gene Ritchey

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12
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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I.(a) PLAINTIFFS**BEVERLY THORP****DEFENDANTS****JUDGE ROBERT B. ATACH**

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF SANTA CRUZ
(EXCEPT IN CASE PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT SANTA CRUZ
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

BEVERLY THORP, c/o Box 2070
SUNNYVALE CA 94087 408/739-4147

ATTORNEY (FIRM NAME)

008 01449**HRL****II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)**

☐ 1 U.S. Government Plaintiff

☒ ~~Federal Question~~
(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State

PTF DEF
☒ 1 ☒ 1

Incorporated or Principal Place of Business In This State

PTF DEF
☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☒ Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**CONTRACT**

- ☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

TORTS

- PERSONAL INJURY**
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault Libel & Slander
☐ 330 Federal Employers Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
- PERSONAL INJURY**
☐ 362 Personal Injury Med Malpractice
☐ 365 Personal Injury Product Liability
☐ 368 Asbestos Personal Injury Product Liability
- PERSONAL PROPERTY**
☐ 370 Other Fraud
☐ 371 Truth In Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY

- ☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 RR & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR

- ☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt Relations
☐ 730 Labor/Mgmt Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl.Ret. Inc. Security Act

BANKRUPTCY

- ☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS

- ☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 Taxes (US Plaintiff or Defendant)
☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES

- ☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 810 Selective Service
☐ 850 Securities/Commodities/Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes
☐ 890 Other Statutory Actions

REAL PROPERTY

- ☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

CIVIL RIGHTS

- ☐ 441 Voting
☐ 442 Employment
☐ 443 Housing
☐ 444 Welfare
☐ 445 Amer w/ disab - Empl
☐ 446 Amer w/ disab - Other
☐ 480 Consumer Credit
☐ 490 Cable/Satellite TV

PRISONER PETITIONS

- ☐ 510 Motion to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**DISQUALIFICATION**

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$

UNDER F.R.C.P. 23

YES

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND

☒ SAN JOSE

DATE **March 14, 2008**

SIGNATURE OF ATTORNEY OF RECORD

Beverly Thorp